

# City of Hampton, VA

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)



## Council Agenda

Wednesday, March 25, 2015

10:30 AM

War Memorial Stadium

## City Council

*Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Teresa V. Schmidt, Chris Snead, Donnie R. Tuck, George E. Wallace, Mayor*

### *Staff:*

*Mary Bunting, City Manager*

*Vanessa T. Valldejuli, City Attorney*

*Katherine K. Glass, CMC, Clerk of Council*

Last Published: 3/20/2015 2:08:04 PM

## **CALL TO ORDER**

## **AGENDA**

1. **15-0108** Tour and Briefing on the Proposed War Memorial Stadium.

## **ADJOURNMENT**

### **Contact Info:**

**Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)**

# City of Hampton, VA

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)



## Council Agenda

Wednesday, March 25, 2015

1:00 PM

Council Chambers, 8th Floor, City Hall

## City Council

*Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Teresa V. Schmidt, Chris Snead, Donnie R. Tuck, George E. Wallace, Mayor*

### *Staff:*

*Mary Bunting, City Manager*

*Vanessa T. Valldejuli, City Attorney*

*Katherine K. Glass, CMC, Clerk of Council*

Last Published: 3/20/2015 2:12:55 PM

## CALL TO ORDER

1. **15-0108** Tour and Briefing on the Proposed War Memorial Stadium.
2. **15-0107** Update on Fiscal Year 2016 Budget Development: Public Input Results and Compensation Update

## AGENDA

## REGIONAL ISSUES

## NEW BUSINESS

## CLOSED MEETING

3. **15-0103** Closed session pursuant to Virginia Code Sections 2.2-3711.A.1 and .3 to consider appointments as listed on the agenda and to discuss or consider the acquisition of real property in the Fox Hill/Buckroe and Downtown areas for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the city.  
  
**15-0089** to consider nominations to the Virginia Municipal League 2015 Policy Committees  
  
**15-0110** to consider appointments to the 1619 Commission.

## CERTIFICATION

4. **15-0105** Resolution Certifying Closed Session

### Contact Info:

Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)



City of Hampton, VA

Agenda Review

File Number: 15-0108

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **15-0108**

Request Number: **R-2015-00090**

File Type: **Briefing / Presentation /  
Hearing**

Department: **Planning**

Introduced: **3/25/2015**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

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Created By: **Alison Alexander**

Phone:

Requestor:

Phone:

Presenter: **Terry O'Neill, Director**

Phone: **728.5230**

Title: **Tour and Briefing on the Proposed War Memorial Stadium.**

Action Requested: **No formal action required.**

Estimated Time: **25 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
3/18/2015		Received By Clerk's Office

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**BRIEF BACKGROUND STATEMENT:**

The intent of this briefing is to provide Council with information on the potential relocation of War Memorial Stadium.

Following a tour of War Memorial stadium, staff will provide information on how the idea of a stadium relocation developed, early concepts for potential stadium locations in the Brights Creek area of Downtown, as well as potential reuse ideas for the existing stadium site should a new stadium be constructed.

Representatives from the Peninsula Pilots will be present to share information relative to stadium costs, projected attendance, and year round utilization of the facility.

No formal action is required of this briefing, but staff requests guidance from Council on how to proceed

with the inclusion of the stadium relocation proposal in the Downtown Master Plan update.



City of Hampton, VA

Agenda Review

22 Lincoln Street  
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File Number: 15-0107

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File Number: 15-0107

Request Number: R-2015-00089

File Type: **Briefing / Presentation /  
Hearing**

Department: **Clerk of Council**

Introduced: **3/25/2015**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

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Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **Robin McCormick, Communications  
Strategist and Nicole Clark, Human  
Resources Director**

Phone:

Title: **Update on Fiscal Year 2016 Budget Development: Public Input Results and  
Compensation Update**

Action Requested: **No action required**

Estimated Time: **15 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
3/18/2015		Received By Clerk's Office

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**BRIEF BACKGROUND STATEMENT:**

The City staff recently held two public input sessions on the FY16 budget and will update the Council on the results of those sessions. Council will also be provided with an update on compensation.



City of Hampton, VA

Agenda Review

22 Lincoln Street  
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[www.hampton.gov](http://www.hampton.gov)

File Number: 15-0103

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File Number: 15-0103

Request Number: R-2015-00085

File Type: Closed Session Motion

Department: Clerk of Council

Introduced: 3/25/2015

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

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Created By: Katherine K. Glass, CMC

Phone:

Requestor: Katherine K. Glass

Phone: 757-727-6315

Presenter: N/A

Phone:

Title: Closed session pursuant to Virginia Code Sections 2.2-3711.A.1 and .3 to consider appointments as listed on the agenda and to discuss or consider the acquisition of real property in the Fox Hill/Buckroe and Downtown areas for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the city.

Action Requested: Convene closed session

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

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BRIEF BACKGROUND STATEMENT:



City of Hampton, VA

Agenda Review

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 15-0089

File Number: 15-0089

Request Number: R-2015-00069

File Type: Appointment

Department: Clerk of Council

Introduced: 3/25/2015

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Katherine K. Glass, CMC

Phone:

Requestor: Katherine K. Glass

Phone: 757-727-6315

Presenter: N/A

Phone:

Title: to consider nominations to the Virginia Municipal League 2015 Policy Committees

Action Requested: discuss in the afternoon, appoint in the evening

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Memo from VML  
VML Process  
VML Nomination Form

Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

At the present time, the following members of the City Council are serving on the various policy committees of the Virginia Municipal League (VML):

Billy Hobbs - Community and Economic Development

Unfilled - Environmental Quality

Chris Snead - Finance

Linda Curtis - General Laws

Donnie Tuck - Human Development and Education

Will Moffett - Transportation.

Nominations for the 2015 committees are due by April 17. Council is being asked to consider and name the 2015 nominees.



**OFFICERS**

**PRESIDENT**

WILLIAM D. EUILLE  
ALEXANDRIA MAYOR

**PRESIDENT-ELECT**

RUN RORDAM  
BLACKSBURG MAYOR

**VICE PRESIDENT**

ROBERT K. COINER  
GORDONSVILLE MAYOR

**IMMEDIATE PAST PRESIDENT**

DAVID P. HELMS  
MARION MAYOR

**EXECUTIVE DIRECTOR**

KIMBERLY A. WINN

**MAGAZINE**

VIRGINIA TOWN & CITY

March 9, 2015

To: Key Officials of Full Member Local Governments  
Council and Board Clerks of Full Member Local Governments

From: Kim Winn, Executive Director

Subject: 2015 VML Policy Committee Nominations

The Virginia Municipal League is now accepting nominations for its 2015 policy committees. Accompanying this document is a description of the policy committee process, along with a nomination form. Please complete the nominations form and return it to VML by April 17. If your community has an election in May, please return this form by the requested date even if you must revise it later.

Please observe the following guidelines when making your policy nominations:

- Only full-member local governments may participate.
- You may nominate two individuals to a committee; if two are nominated, at least one nominee must be a governing body member.
- Only members of a council or board of supervisors and appointed officials (i.e., employees of the local government) are eligible to serve.
- Individuals may serve on only one committee a year.
- The chief administrative officer or mayor/board chairman must sign the nomination form.
- Please return nomination forms by April 17.

We will forward information about policy committee meeting times and location as soon as they are confirmed. Policy committee recommendations that emerge from the July meeting will be forwarded to the Legislative Committee for consideration at its September meeting.

Please call/email Janet Areson (804/523-8522, [jareson@vml.org](mailto:jareson@vml.org)) if you have any questions about the appointment process

P.O. Box 12164  
RICHMOND, VIRGINIA 23241

13 EAST FRANKLIN STREET  
RICHMOND, VIRGINIA 23219

804/649-8471  
FAX 804/343-3758  
[e-mail@vml.org](mailto:e-mail@vml.org)  
[www.vml.org](http://www.vml.org)

## **VML's Legislative and Policy Committee Process**

Each year the Virginia Municipal League develops two separate documents -- a legislative program and a compilation of policy statements -- through a process that involves the Legislative Committee and six separate policy committees. The Legislative Committee is responsible for developing the legislative program, but it may also rely on input from the policy committees to do so. The policy committees develop broad policy statements, in addition to submitting specific legislative recommendations for consideration by the Legislative Committee.

### **Legislative Committee**

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#### **What is the role of the Legislative Committee?**

The Legislative Committee is responsible for considering and developing positions on existing or proposed state and federal legislation or regulations, and urging the enactment or amendment of, or opposition to, such legislation or regulations.

#### **How is the Legislative Committee appointed?**

VML's Constitution spells out the composition of the Legislative Committee. The committee consists of 24 individuals holding local elective or appointed positions, all appointed by VML's President. Of the 24 members, 12 must be representatives of cities and urban counties with populations in excess of 35,000, six must be representatives of cities and urban counties with populations of 35,000 or less, and six must represent towns.

#### **What is included in VML's Legislative Program?**

The legislative program adopted by the Legislative Committee reflects specific legislative objectives that VML hopes to achieve during the upcoming legislative session. It is subject to the approval of VML's membership at the annual conference.

#### **What is the relationship between the legislative committee and VML's policy committees?**

The Legislative Committee meets prior to the policy committees to identify issues that it would like the committees to consider for potential inclusion in the league's legislative program. It meets again after the policy committees have met to consider their recommendations.

### **Policy Committees**

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#### **What is the role of the policy committees?**

Policy committees receive briefings on select statewide issues, consider possible changes to the policy statement, and develop legislative recommendations for the Legislative Committee to consider.

#### **How are policy committees appointed?**

Policy committee membership consists of elected and appointed officials of full-member local governments. Nomination information is sent in the spring to each locality, and each local government determines which of its officials will be nominated for each of the six policy committees. Each local government may nominate up to two people per policy committee, at least one of whom must be an elected official.

### **What are the benefits of serving on a policy committee?**

VML policy committees offer members an opportunity to learn about current and emerging statewide issues that affect local governments, to develop through policy statements the broad philosophical framework that guides the league, and to network with local officials with similar policy interests.

### **How many policy committees are there?**

There are six policy committees: community and economic development, environmental quality, finance, general laws, human development and education, and transportation.

### **What issues does each policy committee cover?**

- **Community & Economic Development:** Authority, administration, and funding of local governments to manage a full range of community and economic development issues, including business development and retention, international competitiveness, infrastructure development and investment, planning, land use and zoning, blight, enterprise zones, housing, workforce development and historic preservation.
- **Environmental Quality:** Natural resources and the authority of local governments to manage the environment, including water resources and quality, solid and hazardous waste management, air quality and the Chesapeake Bay.
- **Finance:** Powers, organization and administration of local government financing, including taxing authority, debt financing, state aid to local governments and federal policies affecting local finance issues.
- **General Laws:** Powers, duties, responsibilities, organization and administration of local governments, including state-local and inter-local relations, conflicts-of-interest, freedom-of-information, information management and personnel, telecommunications, utilities and law enforcement, jails and courts issues.
- **Human Development and Education:** Management and funding of social services, prek-12 education, health, behavioral health, juvenile justice, recreation, rehabilitation and aging.
- **Transportation:** Development, maintenance, and funding of a comprehensive land, sea and air transportation system for the Commonwealth, and federal, state and local roles in the provision and regulation of transportation.

### **What is a policy statement?**

Each policy committee develops a policy statement that covers issues in its respective area. The policy statement expresses the agreement of VML's membership on matters of interest to local governments. The statement generally addresses broad, long-term, philosophical positions. The VML membership approves the policy statements at its annual meeting.

### **How do policy statements differ from VML's legislative program?**

Policy statements are general in nature. They reflect local governments' positions on a range of issues. The Legislative Program is more specific and immediate. It is limited to legislative positions that VML expects to lobby on during the upcoming legislative session.

## VML 2015 Policy Committee Nominations

Please return this form by **April 17** to Joni Terry at VML, P.O. Box 12164, Richmond, VA 23241; Fax 804/343-3758; email: [jterry@vml.org](mailto:jterry@vml.org)

### ***Community & Economic Development***

Name & Title: \_\_\_\_\_

Name & Title: \_\_\_\_\_

### ***Environmental Quality***

Name & Title: \_\_\_\_\_

Name & Title: \_\_\_\_\_

### ***Finance***

Name & Title: \_\_\_\_\_

Name & Title: \_\_\_\_\_

### ***General Laws***

Name & Title: \_\_\_\_\_

Name & Title: \_\_\_\_\_

### ***Human Development & Education***

Name & Title: \_\_\_\_\_

Name & Title: \_\_\_\_\_

### ***Transportation***

Name & Title: \_\_\_\_\_

Name & Title: \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Locality:** \_\_\_\_\_  
(Mayor/Chair, or Manager/Administrator)



City of Hampton, VA

Agenda Review

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 15-0110

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File Number: 15-0110

Request Number: R-2015-00092

File Type: Appointment

Department: Clerk of Council

Introduced: 3/25/2015

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

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Created By: Katherine K. Glass, CMC

Phone:

Requestor: Katherine K. Glass

Phone: 757-727-6315

Presenter: N/A

Phone:

Title: to consider appointments to the 1619 Commission.

Action Requested: discuss in the afternoon, appoint in the evening

Estimated Time: 10 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
3/19/2015		Received By Clerk's Office

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BRIEF BACKGROUND STATEMENT:

Council will discuss, and possibly appoint, additional citizens to this entity.



City of Hampton, VA

Agenda Review

22 Lincoln Street  
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[www.hampton.gov](http://www.hampton.gov)

File Number: 15-0105

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File Number: 15-0105

Request Number: R-2015-00087

File Type: Closed Session Certification

Department: Clerk of Council

Introduced: 3/25/2015

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

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Created By: Katherine K. Glass, CMC

Phone:

Requestor: Katherine K. Glass

Phone: 757-727-6315

Presenter: N/A

Phone:

Title: Resolution Certifying Closed Session

Action Requested: Adopt resolution

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

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BRIEF BACKGROUND STATEMENT:

LEGISLATION TEXT:

**WHEREAS**, the City Council of the City of Hampton, Virginia, has convened a closed session on this date pursuant to an affirmative recorded vote made in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712D of the Code of Virginia requires a certification by the City Council of the City of Hampton, Virginia, that such closed meeting was conducted in conformity with Virginia Law;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton, Virginia, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the city council of the city of Hampton, Virginia.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on March 25, 2015.

# City of Hampton, VA

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)



## Council Agenda

Wednesday, March 25, 2015

6:00 PM

Council Chambers, 8th Floor, City Hall

## City Council

### **Staff:**

***Mary Bunting, City Manager***

***Vanessa T. Valldejuli, City Attorney***

***Katherine K. Glass, CMC, Clerk of Council***

Last Published: 3/20/2015 2:15:56 PM

**CALL TO ORDER / ROLL CALL**

**CEREMONIAL ITEMS - "SPOTLIGHT ON CITIZENS" - PROJECTS AIDING VETERANS**

**ADJOURNMENT**

**Contact Info:**

**Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)**

# City of Hampton, VA

22 Lincoln Street  
Hampton, VA 23669  
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## Council Agenda

Wednesday, March 25, 2015

6:30 PM

Council Chambers, 8th Floor, City Hall

## City Council

*Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Teresa V. Schmidt, Chris Snead, Donnie R. Tuck, George E. Wallace, Mayor*

### *Staff:*

*Mary Bunting, City Manager*

*Vanessa T. Valldejuli, City Attorney*

*Katherine K. Glass, CMC, Clerk of Council*

Last Published: 3/20/2015 2:18:52 PM

## **WELCOME TO THE HAMPTON CITY COUNCIL MEETING**

Because of the large number of matters that need consideration, the City Council has established a meeting format and certain guidelines for citizen participation. These help ensure that everyone who wishes to speak can do so, and that the Council can benefit from hearing as many different people as possible in the shortest time. From time to time, It may be in the public's interest to change the format and guidelines, and the Council can do so at its discretion without prior notice.

### **THE ORDER OF BUSINESS**

The Council generally conducts meetings in the following order:

- (1) Call to Order
- (2) Ceremonial Matters
- (3) Consent Agenda
- (4) Regular Business Agenda
- (5) Miscellaneous New Business
- (6) Adjournment

Agenda items are taken up one at a time in the order in which they are listed. Matters on the consent agenda are routine and are adopted by one motion without separate discussion. However, items can be moved from the consent agenda to the regular agenda upon request by a citizen or a member of the Council. Keep in mind that the agenda is for the convenience of the public and the Council, and that it can be altered by the Council at any time without prior notice when the Council considers it in the public's interest to do so.

### **CITIZENS ARE INVITED TO PARTICIPATE**

The City Council has adopted a three (3) minute time limit policy for individuals desiring to address issues before this body. If you wish to address the City Council, please sign in before the meeting on the sign-up sheet located in the rear of Council Chambers. Please include your name and the subject on which you wish to speak, including the docket number if it is an item on the agenda. If you wish to address Council on a non-agenda item, the permission of Council is necessary.

If you are with a group of people, you may want to have a spokesman or two present your position to the Council and have others in agreement recognized by standing. The Council will always try to hear everyone who wishes to speak on a subject, but sometimes discussion has to be limited due to time. If the previous speaker has stated your position, you may make that known by reference (for example, "I agree with the position stated by Mr. Jones and have nothing further to add"). Repetition of positions by more than one speaker often uses more time than necessary.

Speakers are generally limited to one appearance, although Council can allow exceptions at its discretion. If possible, you should speak from prepared remarks to the subject under discussion. Irrelevant comments use others' time and your own and detract from your statements on the matter being considered.

Meetings of the Council are formal proceedings, and all comments are recorded on tape and by stenographer. For that reason, you are requested not to speak from your seat or out of turn. When you are called by the presiding officer, please follow these steps:

- (1) Come forward to the speaker's podium.
- (2) State your name and address
- (3) State your conclusion and give facts and other data to back it up.
- (4) If you represent a group or organization, ask the others to rise and be recognized.
- (5) If you have a written statement, give it and other supportive material to the Clerk for the record.

The above guidelines are intended to encourage the greatest possible participation by citizens at Council meetings. They can be modified at any time by the Council at its discretion and without prior notice.

Thank you for taking your time to participate in the Council meeting. Good government depends on the interest and involvement of you and your fellow citizens. We invite you to return.

## CALL TO ORDER/ROLL CALL

INVOCATION - Councilman W.H. "Billy" Hobbs Jr.

## PLEDGE OF ALLEGIANCE TO FLAG

## MAYOR'S COMMENTS

1. **15-0106** Resolution in Celebration of the Life of Benjamin Atticus Williams, III

## CONSENT AGENDA

### Consent Items

2. **15-0111** Resolution Authorizing the Appropriation of \$765,000.00 from Committed Fund Balance – Departmental Savings to the Tax Refund Account to cover a Business and Professional License Tax Refund
3. **15-0104** Approval of the minutes from the evening session of February 25, 2015
4. **15-0109** Request for Refunds for Tax Years 2010 through 2014

## PRESENTATIONS, PROCLAMATIONS, AWARDS

## PUBLIC HEARINGS

### Bond Public Hearing

5. **15-0093** Resolution Authorizing the Issuance of General Obligation Public Improvement Bonds of the City of Hampton in the Maximum Principal Amount not to Exceed \$52,500,000 to Finance Certain Capital Improvement Projects and Authorizing General Obligation Refunding Bonds in the Maximum Principal Amount not to Exceed \$69,200,000 to Refund Certain General Obligation Bonds Previously Issued by the City, and Providing for the Form, Details and Payment of Such Bonds.

### Rezoning

6. **15-0099** Ordinance To Amend And Reenact Chapter 2 Of The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Sections 2-2 Entitled, "Table Of Uses Permitted" And 2-3 Entitled, "Additional Standards On Uses" Pertaining To Development Standards For Group Homes, Juvenile Residences, Orphanages And Shelters.

7. **15-0100** Ordinance To Amend And Re-Enact Article XV Of Chapter 17.3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "SPI-CC Coliseum Central District" By Amending Section 17.3-116 Pertaining To Modifications To Permitted Uses.
8. **15-0101** Ordinance To Amend And Re-Enact Chapter 2.1 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Definitions" By Amending Section 2.1-2 Pertaining To Definitions.
9. **15-0102** Ordinance To Amend And Re-Enact Article XIV Of Chapter 17.3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "SPI-HRCW Hampton Roads Center West" By Amending Section 17.3-105 Pertaining To Building And Screening Materials.

## GENERAL ITEMS

### Ordinances

10. **15-0090** Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Article VI of Chapter 9 Entitled, "Barbed Wire" Pertaining to Use of Barbed Wire Fencing in the Special Public Interest – Hampton Roads Center West (SPI-HRCW) Zoning District
11. **15-0098** Ordinance to Recodify the February 1, 1960 Zoning Ordinance, as Amended, by Renumbering and Rearranging the Chapters, Articles, and Sections of the Zoning Ordinance in Order to Consolidate Chapters 1 through 25 into New Chapters 1 through 14 With an Effective Date of June 1, 2015.
12. **15-0096** Ordinance to Amend and Reenact Chapter 1 Entitled, "General Provisions," Chapter 5 Entitled, "Animals," Chapter 9 Entitled, "Building and Development Regulations," Chapter 10 Entitled, "Cemeteries," Chapter 13.1 Entitled, "Land Disturbing Operations," Chapter 20 Entitled, "Mobile Homes and Mobile Home Parks," Chapter 21 Entitled, "Motor Vehicles and Traffic," Chapter 22 Entitled, "Noise," Chapter 24 Entitled, "Offenses – Miscellaneous," Chapter 33.2 Entitled, "Stormwater Management," Chapter 34 Entitled, "Streets and Sidewalks," Chapter 35 Entitled, "Subdivisions," Chapter 35.1 Entitled, "Site Plans," and Chapter 36 Entitled, "Swimming Pools" Pertaining to Citations to Zoning Ordinance Chapters, Articles, and Sections, Which Are Being Amended As Part of the Recodification of the February 1, 1960 Zoning Ordinance, as Amended, With an Effective Date of June 1, 2015

### Appointments

13. **15-0089** to consider nominations to the Virginia Municipal League 2015 Policy Committees

14. **15-0110** to consider appointments to the 1619 Commission.

**REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES**

**MISCELLANEOUS NEW BUSINESS**

**PUBLIC COMMENT**

**ADJOURNMENT**

**Contact Info:**

Clerk of Council, 757-727-6315, [council@hampton.gov](mailto:council@hampton.gov)



City of Hampton, VA

Agenda Review

File Number: 15-0106

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **15-0106**

Request Number: **R-2015-00088**

File Type: **Resolution**

Department: **Clerk of Council**

Introduced: **3/25/2015**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

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Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **George Wallace, Mayor**

Phone:

Title: **Resolution in Celebration of the Life of Benjamin Atticus Williams, III**

Action Requested: **Adopt resolution**

Estimated Time: **10 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

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BRIEF BACKGROUND STATEMENT:

LEGISLATION TEXT:

## RESOLUTION

**WHEREAS**, Benjamin Atticus Williams III, was born to Benjamin Atticus Williams Jr. and Corinne Millikin Williams;

**WHEREAS**, he graduated from the College of William and Mary, and Washington and Lee University School of Law;

**WHEREAS**, he was a resident and advocate of the City of Hampton for many years;

**WHEREAS**, for years, he served as a member and Chairman of the Hampton Industrial Development Authority (IDA), now the Economic Development Authority (EDA), earning the Virginia Economic Developers Association title of "Economic Development Volunteer of the Year" in 2000;

**WHEREAS**, Williams also served on boards for educational and charitable organizations including the Virginia Institute of Marine Science, the Virginia Living Museum, and the Board of Trustees of Hampton Roads Academy;

**WHEREAS**, he served the community by practicing law at Patten, Wornom, Hatten & Diamonstein law firm for more than thirty years, later becoming CEO of Basic, Inc.;

**WHEREAS**, in his spare time, Williams enjoyed golfing, fishing and cooking;

**WHEREAS**, Benjamin Atticus Williams III, passed away on November 15, 2014;

**WHEREAS**, he was married to Nancy Sundin Williams;

**WHEREAS**, he was the father of two children and the grandfather of three grandchildren; and

**WHEREAS**, on November 18, 2014, family and friends gathered in memory of Benjamin Atticus Williams III.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hampton, Virginia, that Benjamin Atticus Williams III, be and hereby is, recognized and commended for his service to the City of Hampton and the citizens of the City of Hampton.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be spread upon the minutes of the March 25, 2015, City Council meeting of the City of Hampton, Virginia, and that an appropriate copy be signed by the Mayor, attested by the Clerk and presented to the family of Benjamin Atticus Williams III.



City of Hampton, VA

Agenda Review

File Number: 15-0111

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: 15-0111

Request Number: R-2015-00093

File Type: Resolution

Department: Clerk of Council

Introduced: 3/25/2015

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

---

Created By: Katherine K. Glass, CMC

Phone:

Requestor: Katherine K. Glass

Phone: 757-727-6315

Presenter: Vanessa T. Valdejuli, City Attorney

Phone: 757-727-6127

Title: Resolution Authorizing the Appropriation of \$765,000.00 from Committed Fund Balance – Departmental Savings to the Tax Refund Account to cover a Business and Professional License Tax Refund

Action Requested: Adopt resolution on consent agenda

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
3/20/2015		Received By Clerk's Office

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BRIEF BACKGROUND STATEMENT:

This Resolution is proposed to appropriate \$765, 000.00 from Committed Fund balance to settle a tax case pending in the Hampton Circuit Court and several tax years that were appealed but not part of the litigation. The settlement arises from the January 8, 2015 decision of the Virginia Supreme Court in *The Nielsen Company (US), LLC v. County Board of Arlington, et al* which decision is binding on all localities in the Commonwealth of Virginia. The Hampton Circuit Court case deals with the identical legal issues decided by the *Nielsen* case.

More specifically, West Telemarketing, LP which has offices within and outside the Commonwealth of Virginia, appealed tax assessments for years 2003-2007 because it disagreed over the methodology for assessing the BPOL taxes when a formula was used to determine gross receipts. West asserted that the Hampton Commissioner should have allowed a deduction of a portion of its out-of-state- gross receipts without proving this deduction was from income included in the BPOL gross receipts reported to Hampton

and that this methodology was allowed under state law for companies with offices outside Virginia. The Hampton Commissioner took the position that West could not deduct a portion of its out-of-state gross receipts from Hampton taxable income without proof that these receipts were included in the BPOL gross receipts reported to Hampton.

The methodology employed by the Hampton Commissioner was used by other localities in the Commonwealth of Virginia. Prior tax commissioner determinations did not identify the method to calculate the deduction when gross receipts were estimated yet noted the burden of proof was on the taxpayer to demonstrate that the formula assigns less than the full value of receipts entitled to a deduction, thus effectively favoring the localities' methodology. Subsequently, the current Tax Commissioner made a determination favoring West Telemarketing's methodology similar to the determination he made in the *Nielsen* case. The Hampton Commissioner and the City filed an Application for Judicial Review with the Hampton Circuit court.

Before this matter was fully tried in Hampton Circuit court, the Supreme Court of Virginia issued its opinion siding with Nielsen. The decision of the Supreme Court of Virginia is a surprising one for all localities in Virginia especially those who are home to companies that have places of business both within and outside the Commonwealth. However, all localities in the Commonwealth of Virginia must abide by the rulings of the Supreme Court of Virginia, thus the Commissioner and the City have settled this matter with West. The settlement is in the amount of \$765,000.00 and effectively settles all claims under the court case as well as appeals for BPOL tax assessments for tax years 2008-2010 which were not subject to the court case.

Normally, litigation settlements are not subject to formal council approval. However, since the funds must be appropriated, formal council action is needed to appropriate the funds necessary to settle the litigation.

LEGISLATION TEXT:

WHEREAS, West Telemarketing, LP has disputed methodology used by the Commissioner of the Revenue for the City of Hampton (the "Commissioner") to assess the Business and Professional License ("BPOL") tax and appealed the Commissioner's determination to the State Tax Commissioner;

WHEREAS, notwithstanding the fact that the methodology used by the Commissioner was used by most Virginia localities to assess the BPOL tax on companies that conduct business outside the Commonwealth and previous state tax commissioners did not identify the method to calculate the deduction thus upholding the localities' calculation of the BPOL tax, the current State Tax Commissioner issued a determination in favor of West Telemarketing, LP;

WHEREAS, the Commissioner and the City of Hampton, Virginia (the "City") filed an Application for Judicial Review of the State Tax Commissioner's Determination ("Application for Review") in the Circuit Court for the City of Hampton;

WHEREAS, prior to the trial on the merits of the Application for Review, on January 8, 2015, the Supreme Court of Virginia in *The Nielson Company (US), LLC, v. County Board of Arlington County, et al.* held that the Nielsen Company, LLC could use the methodology for calculating BPOL tax (deduction of a portion of its out-of-state- gross receipts using an estimate without proving these receipts were included before taking the deduction) that was contrary to the methodology used by the Arlington County Commissioner of the Revenue; and

WHEREAS, given the decision of the Virginia Supreme Court, which is binding upon all localities in the Commonwealth of Virginia, the City and the Commissioner have agreed to settle the dispute with West

Telemarketing, LP in the amount of \$765,000.00.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Hampton authorizes the appropriation of seven hundred, sixty five thousand dollars and zero cents (\$765,000.00) from Committed Fund Balance – Departmental Savings to the Tax Refund Account to cover tax settlement with West Telemarketing, LP.

This resolution will take effect immediately upon adoption.



City of Hampton, VA

Agenda Review

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 15-0104

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File Number: 15-0104

Request Number: R-2015-00086

File Type: Minutes

Department: Clerk of Council

Introduced: 3/25/2015

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

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Created By: Katherine K. Glass, CMC

Phone:

Requestor: Katherine K. Glass

Phone: 757-727-6315

Presenter: N/A

Phone:

Title: Approval of the minutes from the evening session of February 25, 2015

Action Requested: Approve minutes

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

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BRIEF BACKGROUND STATEMENT:



City of Hampton, VA

Agenda Review

File Number: 15-0109

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **15-0109**

Request Number: **R-2015-00091**

File Type: **Tax Refund**

Department: **Clerk of Council**

Introduced: **3/25/2015**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

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Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **Request for Refunds for Tax Years 2010 through 2014**

Action Requested: **Approve request**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: **Duff & Phelps, LLC**  
**Alcoa**

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Date	Acting Body	Action
3/18/2015		Received By Clerk's Office

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**BRIEF BACKGROUND STATEMENT:**

Tax Year 2010

\$6,260.23

Alcoa, Inc.

P.O. Box 981347

El Paso, TX 79998



# City of Hampton

OFFICE OF THE TREASURER

ROBERT S. WILLIAMS

Treasurer

1 Franklin Street, Ste. 100 • P.O. Box 638 • Hampton, VA 23669-0638

[www.hampton.gov](http://www.hampton.gov)

Telephone (757) 727-6374

Fax (757) 727-6796

## MEMORANDUM

DATE: March 12, 2015

TO: Vanessa Validejuli, City Attorney

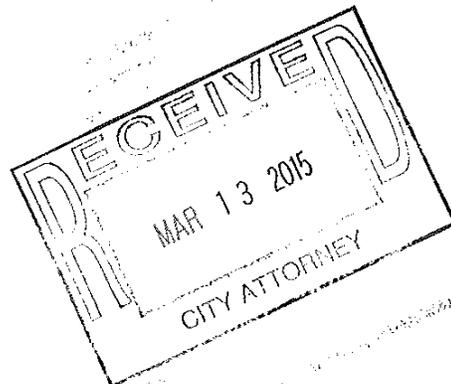
FROM: Elizabeth Harmon, Deputy Treasurer

RE: Refund Application (s)

Attached you will find two refund applications which include interest that should be paid in accordance with Virginia Code 58.1-3916.

Refund applications for GL 01-51104 totaling \$13,456.07 to be issued to:

DUFF & PHELPS LLC  
FOR VERIZON COMMUNICATIONS  
PO BOX 2629  
ADDISON TX 75001



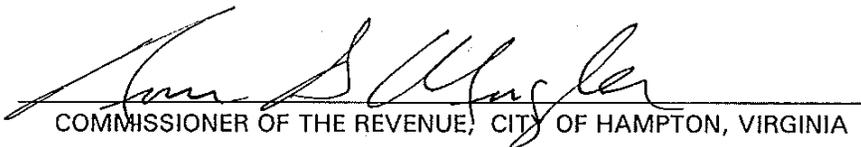
**MEMORANDUM OF CORRECTED ASSESSMENT  
 COMMISSIONER OF THE REVENUE  
 CITY OF HAMPTON, VIRGINIA**

VERIZON ONLINE LLC  
 VERIZON ONLINE LLC  
 PO BOX 2749  
 C/O DUFF & PHELPS  
 ADDISON TX 75001-2749  
 US

Adjustment Number: 1051729  
 Name: VERIZON ONLINE LLC VERIZON ONLINE LLC  
 Account/Item: 376497-1  
 Item Description: BUSINESS PERSONAL PROPERTY  
 Item Type: BUSINESS PROPERTY  
 Tax Year: 2013  
 Bill Number: 213Q93849  
 Bill Run: 10892  
 Bill Effective Dates: 01-JAN-2013 thru 31-DEC-2013  
 Operator: DSHAW  
 Date Changed: 09-MAR-2015  
 Tax Rate: 4.25  
 Tax Rate Basis: \$100.00  
 Pending Refund Amt: \$687.33  
 Refund Application #: 254678  
 Note: ADJUSTED PER APPEAL

	Move in Date	Move Out Date	Number of Months
Previous:	01-JAN-2013	31-DEC-2013	12
New:	01-JAN-2013	31-DEC-2013	12

	Full Value	Assessed Value	Tax	
Previous:	\$2024004.00	\$1012002.00	\$43010.09	Refund-\$1,109.53 prime, penalty and interest paid and \$133.14 interest per 58.1-3916. Total refund is \$1,242.67.
Change:	\$1741314.00	\$870657.00	\$37002.93	
New:	\$282690.00	\$141345.00	\$6007.16	

  
 \_\_\_\_\_  
 COMMISSIONER OF THE REVENUE, CITY OF HAMPTON, VIRGINIA

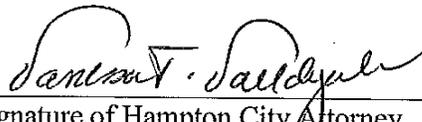
I hereby certify the sum of \$7,717.41 paid to the City Treasury as disclosed by the records in this office.

3/12/15  
Date

  
Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$1,242.67 according to the provisions of Virginia Code Section 58.1-3981, 58.1-3916 and I hereby consent to the issuance of a refund, provided the City Council so orders.

3/13/15  
Date

  
Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on \_\_\_\_\_, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ \_\_\_\_\_ to the taxpayer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk of Council

Refunds should be issued to:

Name DUFF & PHELPS LLC  
FOR VERIZON COMMUNICATIONS

Address PO BOX 2629  
ADDISON, TX 75001

**MEMORANDUM OF CORRECTED ASSESSMENT  
 COMMISSIONER OF THE REVENUE  
 CITY OF HAMPTON, VIRGINIA**

VERIZON ONLINE LLC  
 VERIZON ONLINE LLC  
 PO BOX 2749  
 C/O DUFF & PHELPS  
 ADDISON TX 75001-2749  
 US

Adjustment Number: 1051728  
 Name: VERIZON ONLINE LLC VERIZON ONLINE LLC  
 Account/Item: 376497-1  
 Item Description: BUSINESS PERSONAL PROPERTY  
 Item Type: BUSINESS PROPERTY  
 Tax Year: 2013  
 Bill Number: 213P93849  
 Bill Run: 10891  
 Bill Effective Dates: 01-JAN-2013 thru 31-DEC-2013  
 Operator: DSHAW  
 Date Changed: 09-MAR-2015  
 Tax Rate: 4.25  
 Tax Rate Basis: \$100.00  
 Pending Refund Amt: \$16929.29  
 Refund Application #: 254677  
 Note: ADJUSTED PER APPEAL

	Move in Date	Move Out Date	Number of Months
Previous:	01-JAN-2013	31-DEC-2013	12
New:	01-JAN-2013	31-DEC-2013	12

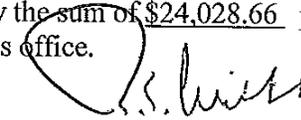
	Full Value	Assessed Value	Tax	
Previous:	\$2024004.00	\$1012002.00	\$43010.09	Reapplied \$7,717.40 to 2014 taxes. Refund-\$10,904.82 prime, penalty and interest paid and \$1,308.58 interest per 58.1-3916. Total refund is \$12,213.40.
Change:	\$1741314.00	\$870657.00	\$37002.93	
New:	\$282690.00	\$141345.00	\$6007.16	

  
 \_\_\_\_\_  
 COMMISSIONER OF THE REVENUE, CITY OF HAMPTON, VIRGINIA

I hereby certify the sum of \$24,028.66 paid to the City Treasury as disclosed by the records in this office.

3/18/15

Date

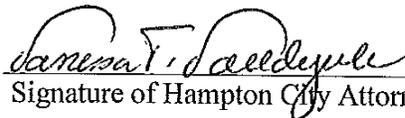


Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$12,213.40 according to the provisions of Virginia Code Section 58.1-3981, 58.1-3916 and I hereby consent to the issuance of a refund, provided the City Council so orders.

3/13/15

Date



Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on \_\_\_\_\_, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ \_\_\_\_\_ to the taxpayer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk of Council

Refunds should be issued to:

Name      DUFF & PHELPS LLC  
              FOR VERIZON COMMUNICATIONS

Address    PO BOX 2629  
              ADDISON, TX 75001



# City of Hampton

OFFICE OF THE TREASURER

ROBERT S. WILLIAMS

Treasurer

1 Franklin Street, Ste. 100 • P.O. Box 638 • Hampton, VA 23669-0638

[www.hampton.gov](http://www.hampton.gov)

Telephone (757) 727-6374

Fax (757) 727-6796

## MEMORANDUM

DATE: March 16, 2015

TO: Vanessa Valdejuli, City Attorney

FROM: Elizabeth Harmon, Deputy Treasurer

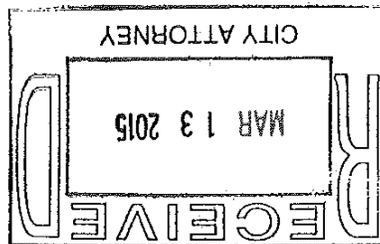
RE: Refund Application (s)

Attached you will find ten refund applications which include interest that should be paid in accordance with Virginia Code 58.1-3916.

Refund applications for GL 01-51104 totaling \$49,608.65 to be issued to:

"85067"

ALCOA INC  
PO BOX 981347  
EL PASO, TX 79998



**MEMORANDUM OF CORRECTED ASSESSMENT  
 COMMISSIONER OF THE REVENUE  
 CITY OF HAMPTON, VIRGINIA**

HOWMET CORPORATION  
 C/O PROPERTY TAX DEPT  
 201 ISABELLA  
 PITTSBURGH PA 15212-5827

Adjustment Number: 1052084  
 Name: HOWMET CORPORATION C/O PROPERTY TAX DEPT  
 Account/Item: 42985-1  
 Item Description: SPEC MACHINERY & TOOLS  
 Item Type: MACHINERY/TOOLS  
 Tax Year: 2010  
 Bill Number: 210P91494  
 Bill Run: 8065  
 Bill Effective Dates: 01-JAN-2010 thru 31-DEC-2010  
 Operator: DSHAW  
 Date Changed: 12-MAR-2015  
 Tax Rate: 3.25  
 Tax Rate Basis: \$100.00  
 Pending Refund Amt: \$4041.99  
 Refund Application #: 254796  
 Note: ADJUSTED PER APPEAL

	Move in Date	Move Out Date	Number of Months
Previous:	01-JAN-2010	31-DEC-2010	12
New:	01-JAN-2010	31-DEC-2010	12

	Full Value	Assessed Value	Tax
Previous:	\$40278986.00	\$20139493.00	\$654533.52
Change:	\$248738.00	\$124369.00	\$4041.99
New:	\$40030248.00	\$20015124.00	\$650491.53

Refund of \$4,446.19 for tax and penalty paid and refund of \$1,814.05 for interest in accordance with 58.1-3916. Total refund of \$6,260.23.



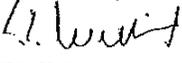
\_\_\_\_\_  
 COMMISSIONER OF THE REVENUE, CITY OF HAMPTON, VIRGINIA

HOWMET CORPORATION IS SUBJECT TO CORRECTION OF ERRONEOUS ASSESSMENTS FOR 2010-2011 MACHINERY AND TOOLS TAX IN THE AMOUNT OF \$16,167.96. ON DECEMBER 30, 2013 HOWMET SUBMITTED A REQUEST FOR CORRECTION OF ASSESSMENT PER CODE OF VIRGINIA §58.1-3980 IN THE AMOUNT OF \$867,383.01 FOR 2010-2011 MACHINERY AND TOOLS THEY CONSIDERED INTANGIBLE PERSONAL PROPERTY PER CODE OF VIRGINIA §58.1-110C THIS REQUEST WAS REVIEWED BY MY AUDIT STAFF, CITY ATTORNEY AND OUTSIDE COUNSEL TO DETERMINE \$16,167.96 IS THE CORRECTION OF ERRONEOUS ASSESSMENT DUE.

I hereby certify the sum of \$654,533.52 paid to the City Treasury as disclosed by the records in this office.

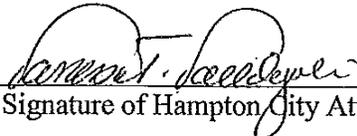
3/13/15

Date

  
Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$6,260.23 according to the provisions of Virginia Code Sections 58.1-3981, 58.1-3916 and I hereby consent to the issuance of a refund, provided the City Council so orders.

3/18/15  
Date

  
Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on \_\_\_\_\_, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ \_\_\_\_\_ to the taxpayer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk of Council

Refunds should be issued to:

Name ALCOA INC  
PO BOX 981347  
EL PASO, TX 79998

Address

**MEMORANDUM OF CORRECTED ASSESSMENT  
 COMMISSIONER OF THE REVENUE  
 CITY OF HAMPTON, VIRGINIA**

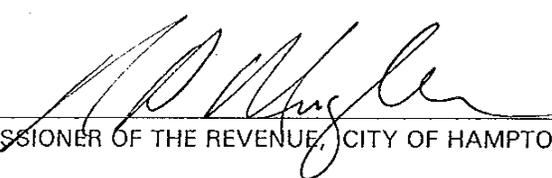
HOWMET CORPORATION  
 C/O PROPERTY TAX DEPT  
 201 ISABELLA  
 PITTSBURGH PA 15212-5827

Adjustment Number: 1052094  
 Name: HOWMET CORPORATION C/O PROPERTY TAX DEPT  
 Account/Item: 42985-1  
 Item Description: SPEC MACHINERY & TOOLS  
 Item Type: MACHINERY/TOOLS  
 Tax Year: 2010  
 Bill Number: 210Q91494  
 Bill Run: 8066  
 Bill Effective Dates: 01-JAN-2010 thru 31-DEC-2010  
 Operator: DSHAW  
 Date Changed: 12-MAR-2015  
 Tax Rate: 3.25  
 Tax Rate Basis: \$100.00  
 Pending Refund Amt: \$4041.99  
 Refund Application #: 254797  
 Note: ADJUSTED PER APPEAL

	Move in Date	Move Out Date	Number of Months
Previous:	01-JAN-2010	31-DEC-2010	12
New:	01-JAN-2010	31-DEC-2010	12

	Full Value	Assessed Value	Tax
Previous:	\$40278986.00	\$20139493.00	\$654533.52
Change:	\$248738.00	\$124369.00	\$4041.99
New:	\$40030248.00	\$20015124.00	\$650491.53

Refund of \$4,041.99 for tax paid and  
 refund of \$1,649.13 for interest in  
 accordance with 58.1-3916. Total  
 refund of \$5,691.12.

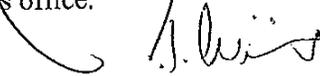
  
 \_\_\_\_\_  
 COMMISSIONER OF THE REVENUE, CITY OF HAMPTON, VIRGINIA

HOWMET CORPORATION IS SUBJECT TO CORRECTION OF ERRONEOUS ASSESSMENTS FOR 2010-2011 MACHINERY AND TOOLS TAX IN THE AMOUNT OF \$16,167.96. ON DECEMBER 30, 2013 HOWMET SUBMITTED A REQUEST FOR CORRECTION OF ASSESSMENT PER CODE OF VIRGINIA §58.1-3980 IN THE AMOUNT OF \$867,383.01 FOR 2010-2011 MACHINERY AND TOOLS THEY CONSIDERED INTANGIBLE PERSONAL PROPERTY PER CODE OF VIRGINIA §58.1-1100. THIS REQUEST WAS REVIEWED BY MY AUDIT STAFF, CITY ATTORNEY AND OUTSIDE COUNSEL TO DETERMINE \$16,167.96 IS THE CORRECTION OF ERRONEOUS ASSESSMENT DUE.

I hereby certify the sum of \$654,533.52 paid to the City Treasury as disclosed by the records in this office.

3/13/15

Date

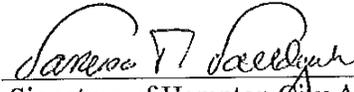


Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$5,691.12 according to the provisions of Virginia Code Sections 58.1-3981, 58.1-3916 and I hereby consent to the issuance of a refund, provided the City Council so orders.

3/18/15

Date



Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on \_\_\_\_\_, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ \_\_\_\_\_ to the taxpayer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk of Council

Refunds should be issued to:

Name ALCOA INC  
PO BOX 981347  
EL PASO, TX 79998

Address

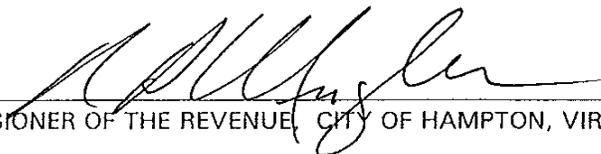
**MEMORANDUM OF CORRECTED ASSESSMENT  
 COMMISSIONER OF THE REVENUE  
 CITY OF HAMPTON, VIRGINIA**

HOWMET CORPORATION  
 C/O PROPERTY TAX DEPT  
 201 ISABELLA  
 PITTSBURGH PA 15212-5827

Adjustment Number: 1052095  
 Name: HOWMET CORPORATION C/O PROPERTY TAX DEPT  
 Account/Item: 42985-1  
 Item Description: SPEC MACHINERY & TOOLS  
 Item Type: MACHINERY/TOOLS  
 Tax Year: 2011  
 Bill Number: 211P101358  
 Bill Run: 8995  
 Bill Effective Dates: 01-JAN-2011 thru 31-DEC-2011  
 Operator: DSHAW  
 Date Changed: 12-MAR-2015  
 Tax Rate: 3.25  
 Tax Rate Basis: \$100.00  
 Pending Refund Amt: \$4041.99  
 Refund Application #: 254798  
 Note: ADJUSTED PER APPEAL

	Move in Date	Move Out Date	Number of Months
Previous:	01-JAN-2011	31-DEC-2011	12
New:	01-JAN-2011	31-DEC-2011	12

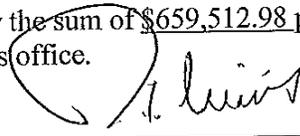
	Full Value	Assessed Value	Tax	
Previous:	\$40585413.00	\$20292707.00	\$659512.98	Refund of \$4,041.99 for tax paid and refund of \$1,261.10 for interest in accordance with 58.1-3916. Total refund of \$5,303.09.
Change:	\$248738.00	\$124369.00	\$4041.99	
New:	\$40336675.00	\$20168338.00	\$655470.99	

  
 \_\_\_\_\_  
 COMMISSIONER OF THE REVENUE, CITY OF HAMPTON, VIRGINIA

HOWMET CORPORATION IS SUBJECT TO CORRECTION OF ERRONEOUS ASSESSMENTS FOR 2010-2011 MACHINERY AND TOOLS TAX IN THE AMOUNT OF \$16,167.96. ON DECEMBER 30, 2013 HOWMET SUBMITTED A REQUEST FOR CORRECTION OF ASSESSMENT PER CODE OF VIRGINIA §58.1-3980 IN THE AMOUNT OF \$867,383.01 FOR 2010-2011 MACHINERY AND TOOLS THEY CONSIDERED INTANGIBLE PERSONAL PROPERTY PER CODE OF VIRGINIA §58.1-1100. THIS REQUEST WAS REVIEWED BY MY AUDIT STAFF, CITY ATTORNEY AND OUTSIDE COUNSEL TO DETERMINE \$16,167.96 IS THE CORRECTION OF ERRONEOUS ASSESSMENT DUE.

I hereby certify the sum of \$659,512.98 paid to the City Treasury as disclosed by the records in this office.

3/13/15  
Date

  
Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$5,303.09 according to the provisions of Virginia Code Sections 58.1-3981, 58.1-3916 and I hereby consent to the issuance of a refund, provided the City Council so orders.

3/18/15  
Date

  
Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on \_\_\_\_\_, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ \_\_\_\_\_ to the taxpayer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk of Council

Refunds should be issued to:

Name ALCOA INC  
PO BOX 981347  
EL PASO, TX 79998  
Address

**MEMORANDUM OF CORRECTED ASSESSMENT  
 COMMISSIONER OF THE REVENUE  
 CITY OF HAMPTON, VIRGINIA**

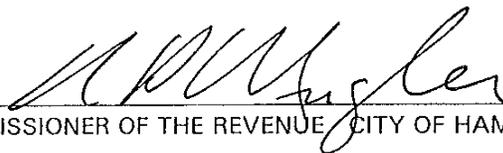
HOWMET CORPORATION  
 C/O PROPERTY TAX DEPT  
 201 ISABELLA  
 PITTSBURGH PA 15212-5827

Adjustment Number: 1052096  
 Name: HOWMET CORPORATION C/O PROPERTY TAX DEPT  
 Account/Item: 42985-1  
 Item Description: SPEC MACHINERY & TOOLS  
 Item Type: MACHINERY/TOOLS  
 Tax Year: 2011  
 Bill Number: 211Q101358  
 Bill Run: 8996  
 Bill Effective Dates: 01-JAN-2011 thru 31-DEC-2011  
 Operator: DSHAW  
 Date Changed: 12-MAR-2015  
 Tax Rate: 3.25  
 Tax Rate Basis: \$100.00  
 Pending Refund Amt: \$4041.99  
 Refund Application #: 254799  
 Note: ADJUSTED PER APPEAL

	Move in Date	Move Out Date	Number of Months
Previous:	01-JAN-2011	31-DEC-2011	12
New:	01-JAN-2011	31-DEC-2011	12

	Full Value	Assessed Value	Tax
Previous:	\$40585413.00	\$20292707.00	\$659512.98
Change:	\$248738.00	\$124369.00	\$4041.99
New:	\$40336675.00	\$20168338.00	\$655470.99

Refund of \$4,041.99 for tax paid and  
 refund of \$1,261.10 for interest in  
 accordance with 58.1-3916. Total  
 refund of \$5,303.09.

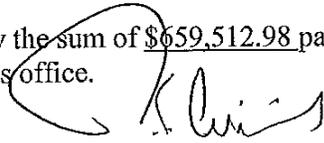
  
 \_\_\_\_\_  
 COMMISSIONER OF THE REVENUE CITY OF HAMPTON, VIRGINIA

HOWMET CORPORATION IS SUBJECT TO CORRECTION OF ERRONEOUS ASSESSMENTS FOR 2010-2011 MACHINERY AND TOOLS TAX IN THE AMOUNT OF \$16,167.96. ON DECEMBER 30, 2013 HOWMET SUBMITTED A REQUEST FOR CORRECTION OF ASSESSMENT PER CODE OF VIRGINIA §58.1-3980 IN THE AMOUNT OF \$867,383.01 FOR 2010-2011 MACHINERY AND TOOLS THEY CONSIDERED INTANGIBLE PERSONAL PROPERTY PER CODE OF VIRGINIA §58.1-1100. THIS REQUEST WAS REVIEWED BY MY AUDIT STAFF, CITY ATTORNEY AND OUTSIDE COUNSEL TO DETERMINE \$16,167.96 IS THE CORRECTION OF ERRONEOUS ASSESSMENT DUE.

I hereby certify the sum of \$659,512.98 paid to the City Treasury as disclosed by the records in this office.

3/13/15

Date

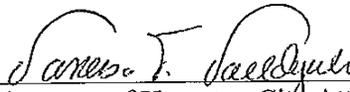


Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$5,303.09 according to the provisions of Virginia Code Sections 58.1-3981, 58.1-3916 and I hereby consent to the issuance of a refund, provided the City Council so orders.

3/18/15

Date



Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on \_\_\_\_\_, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ \_\_\_\_\_ to the taxpayer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk of Council

Refunds should be issued to:

Name ALCOA INC  
PO BOX 981347  
EL PASO, TX 79998

Address

**MEMORANDUM OF CORRECTED ASSESSMENT  
 COMMISSIONER OF THE REVENUE  
 CITY OF HAMPTON, VIRGINIA**

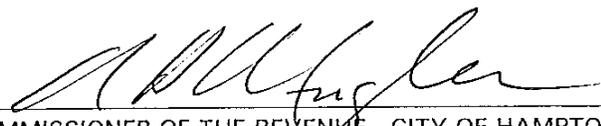
HOWMET CORPORATION  
 C/O PROPERTY TAX DEPT  
 201 ISABELLA  
 PITTSBURGH PA 15212-5827

Adjustment Number: 1052097  
 Name: HOWMET CORPORATION C/O PROPERTY TAX DEPT  
 Account/Item: 42985-1  
 Item Description: SPEC MACHINERY & TOOLS  
 Item Type: MACHINERY/TOOLS  
 Tax Year: 2012  
 Bill Number: 212P90798  
 Bill Run: 9907  
 Bill Effective Dates: 01-JAN-2012 thru 31-DEC-2012  
 Operator: DSHAW  
 Date Changed: 12-MAR-2015  
 Tax Rate: 3.25  
 Tax Rate Basis: \$100.00  
 Pending Refund Amt: \$4041.99  
 Refund Application #: 254800  
 Note: ADJUSTED PER APPEAL

	Move in Date	Move Out Date	Number of Months
Previous:	01-JAN-2012	31-DEC-2012	12
New:	01-JAN-2012	31-DEC-2012	12

	Full Value	Assessed Value	Tax
Previous:	\$39709000.00	\$19854500.00	\$645271.25
Change:	\$248738.00	\$124369.00	\$4041.99
New:	\$39460262.00	\$19730131.00	\$641229.26

Refund of \$4,041.99 for tax paid and refund of \$873.07 for interest in accordance with 58.1-3916. Total refund of \$4,915.06.

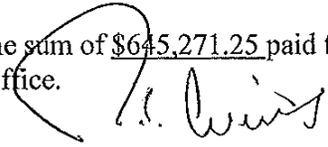
  
 \_\_\_\_\_  
 COMMISSIONER OF THE REVENUE, CITY OF HAMPTON, VIRGINIA

HOWMET CORPORATION IS SUBJECT TO CORRECTION OF ERRONEOUS ASSESSMENTS FOR 2012-2014 MACHINERY AND TOOLS TAX IN THE AMOUNT OF \$24,159.08. ON DECEMBER 30, 2013 AND DECEMBER 10, 2014 HOWMET SUBMITTED A REQUEST FOR CORRECTION OF ASSESSMENT PER CODE OF VIRGINIA §58.1-3983.1 (B) IN THE AMOUNT OF \$1,222,694.30 FOR 2012-2014 MACHINERY AND TOOLS THEY CONSIDERED INTANGIBLE PERSONAL PROPERTY PER CODE OF VIRGINIA §58.1-1100. THIS REQUEST WAS REVIEWED BY MY AUDIT STAFF, CITY ATTORNEY AND OUTSIDE COUNSEL TO DETERMINE \$24,159.08 IS THE CORRECTION OF ERRONEOUS ASSESSMENT DUE.

I hereby certify the sum of \$645,271.25 paid to the City Treasury as disclosed by the records in this office.

3/13/15

Date

  
\_\_\_\_\_  
Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$4,915.06 according to the provisions of Virginia Code Sections 58.1-3981, 58.1-3916 and I hereby consent to the issuance of a refund, provided the City Council so orders.

3/18/15

Date

  
\_\_\_\_\_  
Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on \_\_\_\_\_, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ \_\_\_\_\_ to the taxpayer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk of Council

Refunds should be issued to:

Name ALCOA INC  
Address PO BOX 981347  
EL PASO, TX 79998

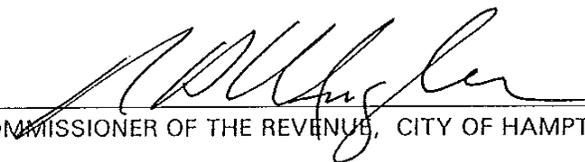
**MEMORANDUM OF CORRECTED ASSESSMENT  
 COMMISSIONER OF THE REVENUE  
 CITY OF HAMPTON, VIRGINIA**

HOWMET CORPORATION  
 C/O PROPERTY TAX DEPT  
 201 ISABELLA  
 PITTSBURGH PA 15212-5827

Adjustment Number: 1052098  
 Name: HOWMET CORPORATION C/O PROPERTY TAX DEPT  
 Account/Item: 42985-1  
 Item Description: SPEC MACHINERY & TOOLS  
 Item Type: MACHINERY/TOOLS  
 Tax Year: 2012  
 Bill Number: 212Q90798  
 Bill Run: 9908  
 Bill Effective Dates: 01-JAN-2012 thru 31-DEC-2012  
 Operator: DSHAW  
 Date Changed: 12-MAR-2015  
 Tax Rate: 3.25  
 Tax Rate Basis: \$100.00  
 Pending Refund Amt: \$4041.99  
 Refund Application #: 254801  
 Note: ADJUSTED PER APPEAL

	Move in Date	Move Out Date	Number of Months
Previous:	01-JAN-2012	31-DEC-2012	12
New:	01-JAN-2012	31-DEC-2012	12

	Full Value	Assessed Value	Tax	
Previous:	\$39709000.00	\$19854500.00	\$645271.25	Refund of \$4,041.99 for tax paid and refund of \$873.07 for interest in accordance with 58.1-3916. Total refund of \$4,915.06.
Change:	\$248738.00	\$124369.00	\$4041.99	
New:	\$39460262.00	\$19730131.00	\$641229.26	

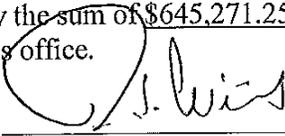
  
 \_\_\_\_\_  
 COMMISSIONER OF THE REVENUE, CITY OF HAMPTON, VIRGINIA

HOWMET CORPORATION IS SUBJECT TO CORRECTION OF ERRONEOUS ASSESSMENTS FOR 2012-2014 MACHINERY AND TOOLS TAX IN THE AMOUNT OF \$24,159.08. ON DECEMBER 30, 2013 AND DECEMBER 10, 2014 HOWMET SUBMITTED A REQUEST FOR CORRECTION OF ASSESSMENT PER CODE OF VIRGINIA §58.1-3983.1 (B) IN THE AMOUNT OF \$1,222,694.30 FOR 2012-2014 MACHINERY AND TOOLS THEY CONSIDERED INTANGIBLE PERSONAL PROPERTY PER CODE OF VIRGINIA §58.1-1100. THIS REQUEST WAS REVIEWED BY MY AUDIT STAFF, CITY ATTORNEY AND OUTSIDE COUNSEL TO DETERMINE \$24,159.08 IS THE CORRECTION OF ERRONEOUS ASSESSMENT DUE.

I hereby certify the sum of \$645,271.25 paid to the City Treasury as disclosed by the records in this office.

3/13/15

Date

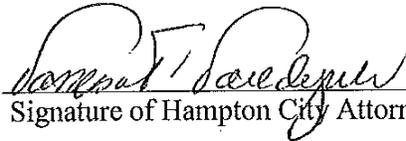


Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$4,915.06 according to the provisions of Virginia Code Sections 58.1-3981, 58.1-3916 and I hereby consent to the issuance of a refund, provided the City Council so orders.

3/18/15

Date



Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on \_\_\_\_\_, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ \_\_\_\_\_ to the taxpayer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk of Council

Refunds should be issued to:

Name ALCOA INC  
Address PO BOX 981347  
EL PASO, TX 79998

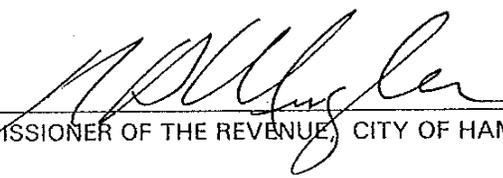
**MEMORANDUM OF CORRECTED ASSESSMENT  
 COMMISSIONER OF THE REVENUE  
 CITY OF HAMPTON, VIRGINIA**

HOWMET CORPORATION  
 C/O PROPERTY TAX DEPT  
 201 ISABELLA  
 PITTSBURGH PA 15212-5827

Adjustment Number: 1052099  
 Name: HOWMET CORPORATION C/O PROPERTY TAX DEPT  
 Account/Item: 42985-1  
 Item Description: SPEC MACHINERY & TOOLS  
 Item Type: MACHINERY/TOOLS  
 Tax Year: 2013  
 Bill Number: 213P91859  
 Bill Run: 10893  
 Bill Effective Dates: 01-JAN-2013 thru 31-DEC-2013  
 Operator: DSHAW  
 Date Changed: 12-MAR-2015  
 Tax Rate: 3.25  
 Tax Rate Basis: \$100.00  
 Pending Refund Amt: \$3959.11  
 Refund Application #: 254802  
 Note: ADJUSTED PER APPEAL

	Move in Date	Move Out Date	Number of Months
Previous:	01-JAN-2013	31-DEC-2013	12
New:	01-JAN-2013	31-DEC-2013	12

	Full Value	Assessed Value	Tax	
Previous:	\$43930762.00	\$21965381.00	\$713874.88	Refund of \$3,959.11 for tax paid and refund of \$475.09 for interest in accordance with 58.1-3916. Total refund of \$4,434.20.
Change:	\$243638.00	\$121819.00	\$3959.11	
New:	\$43687124.00	\$21843562.00	\$709915.77	

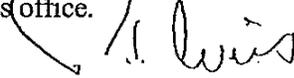
  
 \_\_\_\_\_  
 COMMISSIONER OF THE REVENUE, CITY OF HAMPTON, VIRGINIA

HOWMET CORPORATION IS SUBJECT TO CORRECTION OF ERRONEOUS ASSESSMENTS FOR 2012-2014 MACHINERY AND TOOLS TAX IN THE AMOUNT OF \$24,159.08. ON DECEMBER 30, 2013 AND DECEMBER 10, 2014 HOWMET SUBMITTED A REQUEST FOR CORRECTION OF ASSESSMENT PER CODE OF VIRGINIA §58.1-3983.1 (B) IN THE AMOUNT OF \$1,222,694.30 FOR 2012-2014 MACHINERY AND TOOLS THEY CONSIDERED INTANGIBLE PERSONAL PROPERTY PER CODE OF VIRGINIA §58.1-1100. THIS REQUEST WAS REVIEWED BY MY AUDIT STAFF, CITY ATTORNEY AND OUTSIDE COUNSEL TO DETERMINE \$24,159.08 IS THE CORRECTION OF ERRONEOUS ASSESSMENT DUE.

I hereby certify the sum of ~~\$713,874.88~~ paid to the City Treasury as disclosed by the records in this office.

3/13/15

Date



Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$4,434.20 according to the provisions of Virginia Code Sections 58.1-3981, 58.1-3916 and I hereby consent to the issuance of a refund, provided the City Council so orders.

3/18/15  
Date



Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on \_\_\_\_\_, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ \_\_\_\_\_ to the taxpayer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk of Council

Refunds should be issued to:

Name ALCOA INC  
Address PO BOX 981347  
EL PASO, TX 79998

**MEMORANDUM OF CORRECTED ASSESSMENT  
 COMMISSIONER OF THE REVENUE  
 CITY OF HAMPTON, VIRGINIA**

HOWMET CORPORATION  
 C/O PROPERTY TAX DEPT  
 201 ISABELLA  
 PITTSBURGH PA 15212-5827

Adjustment Number: 1052100  
 Name: HOWMET CORPORATION C/O PROPERTY TAX DEPT  
 Account/Item: 42985-1  
 Item Description: SPEC MACHINERY & TOOLS  
 Item Type: MACHINERY/TOOLS  
 Tax Year: 2013  
 Bill Number: 213Q91859  
 Bill Run: 10894  
 Bill Effective Dates: 01-JAN-2013 thru 31-DEC-2013  
 Operator: DSHAW  
 Date Changed: 12-MAR-2015  
 Tax Rate: 3.25  
 Tax Rate Basis: \$100.00  
 Pending Refund Amt: \$3959.11  
 Refund Application #: 254803  
 Note: ADJUSTED PER APPEAL

	Move in Date	Move Out Date	Number of Months
Previous:	01-JAN-2013	31-DEC-2013	12
New:	01-JAN-2013	31-DEC-2013	12

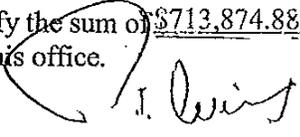
	Full Value	Assessed Value	Tax	
Previous:	\$43930762.00	\$21965381.00	\$713874.88	Refund of \$3,959.11 for tax paid and refund of \$475.09 for interest in accordance with 58.1-3916. Total refund of \$4,434.20.
Change:	\$243638.00	\$121819.00	\$3959.11	
New:	\$43687124.00	\$21843562.00	\$709915.77	

  
 \_\_\_\_\_  
 COMMISSIONER OF THE REVENUE, CITY OF HAMPTON, VIRGINIA

HOWMET CORPORATION IS SUBJECT TO CORRECTION OF ERRONEOUS ASSESSMENTS FOR 2012-2014 MACHINERY AND TOOLS TAX IN THE AMOUNT OF \$24,159.08. ON DECEMBER 30, 2013 AND DECEMBER 10, 2014 HOWMET SUBMITTED A REQUEST FOR CORRECTION OF ASSESSMENT PER CODE OF VIRGINIA §58.1-3983.1 (B) IN THE AMOUNT OF \$1,222,694.30 FOR 2012-2014 MACHINERY AND TOOLS THEY CONSIDERED INTANGIBLE PERSONAL PROPERTY PER CODE OF VIRGINIA §58.1-1100. THIS REQUEST WAS REVIEWED BY MY AUDIT STAFF, CITY ATTORNEY AND OUTSIDE COUNSEL TO DETERMINE \$24,159.08 IS THE CORRECTION OF ERRONEOUS ASSESSMENT DUE.

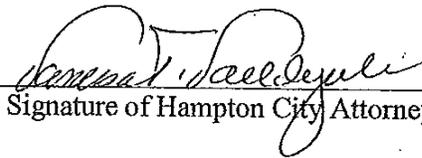
I hereby certify the sum of \$713,874.88 paid to the City Treasury as disclosed by the records in this office.

3/13/15  
Date

  
Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$4,434.20 according to the provisions of Virginia Code Sections 58.1-3981, 58.1-3916 and I hereby consent to the issuance of a refund, provided the City Council so orders.

3/18/15  
Date

  
Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on \_\_\_\_\_, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ \_\_\_\_\_ to the taxpayer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk of Council

Refunds should be issued to:  
Name ALCOA INC  
Address PO BOX 981347  
EL PASO, TX 79998

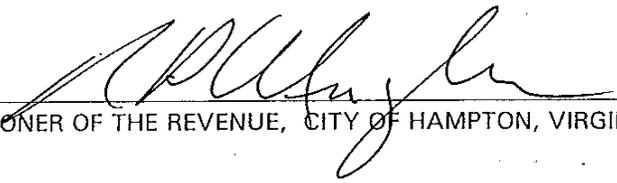
**MEMORANDUM OF CORRECTED ASSESSMENT  
 COMMISSIONER OF THE REVENUE  
 CITY OF HAMPTON, VIRGINIA**

HOWMET CORPORATION  
 C/O PROPERTY TAX DEPT  
 201 ISABELLA  
 PITTSBURGH PA 15212-5827

Adjustment Number: 1052101  
 Name: HOWMET CORPORATION C/O PROPERTY TAX DEPT  
 Account/Item: 42985-1  
 Item Description: SPEC MACHINERY & TOOLS  
 Item Type: MACHINERY/TOOLS  
 Tax Year: 2014  
 Bill Number: 214P91624  
 Bill Run: 11916  
 Bill Effective Dates: 01-JAN-2014 thru 31-DEC-2014  
 Operator: DSHAW  
 Date Changed: 12-MAR-2015  
 Tax Rate: 3.25  
 Tax Rate Basis: \$100.00  
 Pending Refund Amt: \$4078.42  
 Refund Application #: 254804  
 Note: ADJUSTED PER APPEAL

	Move in Date	Move Out Date	Number of Months
Previous:	01-JAN-2014	31-DEC-2014	12
New:	01-JAN-2014	31-DEC-2014	12

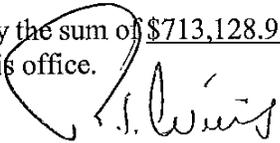
	Full Value	Assessed Value	Tax	
Previous:	\$43884856.00	\$21942428.00	\$713128.91	Refund of \$4,078.42 for tax paid and refund of \$97.88 for interest in accordance with 58.1-3916. Total refund of \$4,176.30.
Change:	\$250981.00	\$125490.00	\$4078.42	
New:	\$43633875.00	\$21816938.00	\$709050.49	

  
 \_\_\_\_\_  
 COMMISSIONER OF THE REVENUE, CITY OF HAMPTON, VIRGINIA

HOWMET CORPORATION IS SUBJECT TO CORRECTION OF ERRONEOUS ASSESSMENTS FOR 2012-2014 MACHINERY AND TOOLS TAX IN THE AMOUNT OF \$24,159.08. ON DECEMBER 30, 2013 AND DECEMBER 10, 2014 HOWMET SUBMITTED A REQUEST FOR CORRECTION OF ASSESSMENT PER CODE OF VIRGINIA §58.1-3983.1 (B) IN THE AMOUNT OF \$1,222,694.30 FOR 2012-2014 MACHINERY AND TOOLS THEY CONSIDERED INTANGIBLE PERSONAL PROPERTY PER CODE OF VIRGINIA §58.1-1100. THIS REQUEST WAS REVIEWED BY MY AUDIT STAFF, CITY ATTORNEY AND OUTSIDE COUNSEL TO DETERMINE \$24,159.08 IS THE CORRECTION OF ERRONEOUS ASSESSMENT DUE.

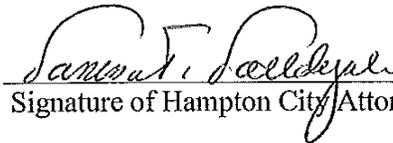
I hereby certify the sum of \$713,128.91 paid to the City Treasury as disclosed by the records in this office.

3/13/15  
Date

  
Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$4,176.30 according to the provisions of Virginia Code Sections 58.1-3981, 58.1-3916 and I hereby consent to the issuance of a refund, provided the City Council so orders.

3/18/15  
Date

  
Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on \_\_\_\_\_, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ \_\_\_\_\_ to the taxpayer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk of Council

Refunds should be issued to:

Name ALCOA INC  
Address PO BOX 981347  
EL PASO, TX 79998

**MEMORANDUM OF CORRECTED ASSESSMENT  
 COMMISSIONER OF THE REVENUE  
 CITY OF HAMPTON, VIRGINIA**

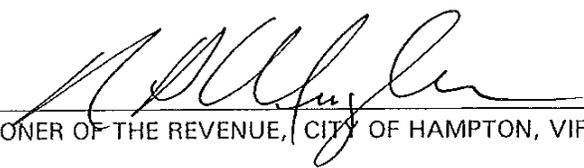
HOWMET CORPORATION  
 C/O PROPERTY TAX DEPT  
 201 ISABELLA  
 PITTSBURGH PA 15212-5827

Adjustment Number: 1052102  
 Name: HOWMET CORPORATION C/O PROPERTY TAX DEPT  
 Account/Item: 42985-1  
 Item Description: SPEC MACHINERY & TOOLS  
 Item Type: MACHINERY/TOOLS  
 Tax Year: 2014  
 Bill Number: 214Q91624  
 Bill Run: 11917  
 Bill Effective Dates: 01-JAN-2014 thru 31-DEC-2014  
 Operator: DSHAW  
 Date Changed: 12-MAR-2015  
 Tax Rate: 3.25  
 Tax Rate Basis: \$100.00  
 Pending Refund Amt: \$4078.42  
 Refund Application #: 254805  
 Note: ADJUSTED PER APPEAL

	Move in Date	Move Out Date	Number of Months
Previous:	01-JAN-2014	31-DEC-2014	12
New:	01-JAN-2014	31-DEC-2014	12

	Full Value	Assessed Value	Tax
Previous:	\$43884856.00	\$21942428.00	\$713128.91
Change:	\$250981.00	\$125490.00	\$4078.42
New:	\$43633875.00	\$21816938.00	\$709050.49

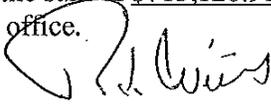
Refund of \$4,078.42 for tax paid and  
 refund of \$97.88 for interest in  
 accordance with 58.1-3916. Total  
 refund of \$4,176.30.

  
 \_\_\_\_\_  
 COMMISSIONER OF THE REVENUE, CITY OF HAMPTON, VIRGINIA

HOWMET CORPORATION IS SUBJECT TO CORRECTION OF ERRONEOUS ASSESSMENTS FOR 2012-2014 MACHINERY AND TOOLS TAX IN THE AMOUNT OF \$24,159.08. ON DECEMBER 30, 2013 AND DECEMBER 10, 2014 HOWMET SUBMITTED A REQUEST FOR CORRECTION OF ASSESSMENT PER CODE OF VIRGINIA §58.1-3983.1 (B) IN THE AMOUNT OF \$1,222,694.30 FOR 2012-2014 MACHINERY AND TOOLS THEY CONSIDERED INTANGIBLE PERSONAL PROPERTY PER CODE OF VIRGINIA §58.1-1100. THIS REQUEST WAS REVIEWED BY MY AUDIT STAFF, CITY ATTORNEY AND OUTSIDE COUNSEL TO DETERMINE \$24,159.08 IS THE CORRECTION OF ERRONEOUS ASSESSMENT DUE.

I hereby certify the sum of \$713,128.91 paid to the City Treasury as disclosed by the records in this office.

3/13/15  
Date

  
Signature of Hampton City Treasurer

I hereby certify that on the basis of the facts set forth on this form, the taxpayer is legally entitled to a refund of \$4,176.30 according to the provisions of Virginia Code Sections 58.1-3981, 58.1-3916 and I hereby consent to the issuance of a refund, provided the City Council so orders.

3/18/15  
Date

  
Signature of Hampton City Attorney

At a regular meeting of the City Council of the City of Hampton held in the City Hall on \_\_\_\_\_, the Council ordered and directed the Treasurer and Director of Finance to refund the sum of \$ \_\_\_\_\_ to the taxpayer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Clerk of Council

Refunds should be issued to:

Name ALCOA INC  
Address PO BOX 981347  
EL PASO, TX 79998



City of Hampton, VA

Agenda Review

File Number: 15-0093

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **15-0093**

Request Number: **R-2015-00075**

File Type: **Resolution - Bond**

Department: **Budget/Finance**

Introduced: **3/25/2015**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

---

Created By: **Shannon Huff**

Phone:

Requestor: **Karl S. Daughtrey**

Phone: **727-6230**

Presenter: **George L. Scruggs, Jr., Kutak Rock, LLP and David Rose, Davenport & Company, LLC**

Phone: **804-343-5220**

Title: **Resolution Authorizing the Issuance of General Obligation Public Improvement Bonds of the City of Hampton in the Maximum Principal Amount not to Exceed \$52,500,000 to Finance Certain Capital Improvement Projects and Authorizing General Obligation Refunding Bonds in the Maximum Principal Amount not to Exceed \$69,200,000 to Refund Certain General Obligation Bonds Previously Issued by the City, and Providing for the Form, Details and Payment of Such Bonds.**

Action Requested: **Council Approval of Bond Issuance**

Estimated Time: **20 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

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**BRIEF BACKGROUND STATEMENT:**

This Resolution is proposing that Council authorize the issuance of General Obligation Public Improvement Bonds of the City of Hampton in the maximum principal amount not to exceed \$52,500,000 to finance the cost of general capital improvement projects of the City, including, but not limited to, the construction of improvements and additions to public buildings and public school facilities, improvements to public infrastructure, including streets and roads, improvements to parks and other recreational facilities, and the acquisition of real property and equipment for public purposes.

In addition, this Resolution proposes that the City may achieve debt service savings by refunding certain of its general obligation bonds or portions thereof issued in 2007 (the "Prior Bonds") through the issuance of general obligation refunding bonds in an aggregate principal amount not to exceed \$69,200,000. This Resolution authorizes the issuance and sale of general obligation refunding bonds up to such maximum principal amount to refund all or a portion of the Prior Bonds to reduce debt service and facilitate the restructuring of debt service.

The Resolution, if adopted, will authorize the Director of Finance, with the approval of the City Manager, for and on behalf of the City, to sell such bonds for such purposes, to provide for the form, details and payment of the bonds and to authorize the issuance of notes of the City in anticipation of the issuance of the bonds.

LEGISLATION TEXT:

**WHEREAS**, the Public Finance Act of 1991, Sections 15.2-2600 et seq. of the *Code of Virginia* of 1950, as amended (the "Public Finance Act"), permits the issuance of bonds, when authorized by the Council of the City (the "Council") of Hampton, Virginia (the "City"), at one time or from time to time, in order to finance the cost of capital improvement projects for the purposes hereinafter described and to refund bonds or notes previously issued for such purposes, and the City has previously issued general obligation bonds for such purposes;

**WHEREAS**, it is the consensus of the Council of the City that the City should authorize the issuance and sale of general obligation public improvement bonds in the maximum principal amount not to exceed \$52,500,000 to finance the cost of general capital improvement projects of the City, including, but not limited to, the construction of improvements and additions to public buildings and public school facilities, improvements to public infrastructure, including streets and roads, improvements to parks and other recreational facilities, and the acquisition of real property and equipment for public purposes;

**WHEREAS**, the City's Financial Advisor has recommended to Council that the City may achieve debt service savings by refunding certain of its general obligation bonds or portions thereof issued in 2007 (the "Prior Bonds") through the issuance of general obligation refunding bonds in an aggregate principal amount not to exceed \$69,200,000; and it is the consensus of the Council that the City should authorize the issuance and sale of general obligation refunding bonds up to such maximum principal amount to refund all or a portion of the Prior Bonds to reduce debt service and facilitate the restructuring of debt service;

**WHEREAS**, the City has advanced or expects to advance its own funds to pay certain expenditures related

to the capital improvement projects to be financed from the bonds, and the City intends to receive reimbursement for such expenditures from the proceeds of the bonds; and

**WHEREAS**, a public hearing on the proposed issuance of the bonds for the capital improvement projects has been advertised and held in the manner required by Section 15.2-2606 of the Public Finance Act of 1991.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA AS FOLLOWS:**

**§ 1. Authorization of Bonds.** The issuance of the bonds is authorized (i) in the maximum principal amount not to exceed \$52,500,000 in order to finance the costs of capital improvement projects for the purposes hereinafter described (the “Public Improvement Bonds”); (ii) in the maximum principal amount not to exceed \$69,200,000 to refund, subject to the terms hereof, all or a portion of the City’s previously issued general obligation bonds, Series 2007 (the “Refunding Bonds”) and (iii) to pay issuance and related costs of the bonds. The Public Improvement Bonds and the Refunding Bonds are referred to collectively herein as the “Bonds.” The Bonds shall be designated “General Obligation Public Improvement Bonds”, may be issued in separate series and may include the term “Refunding”, if appropriate, and may also include such other term or terms as part of their designation as the officers herein authorized deem appropriate.

**§ 2. Use of Proceeds.** Proceeds of the Bonds shall be used by the City to (i) finance in whole or in part, a program of general capital improvement undertakings for the following purposes: construction, reconstruction, improvements and equipment for public institutional, operational, cultural, educational, public safety, animal control and entertainment buildings and facilities, parks, playgrounds, cemeteries, libraries and museums, and acquisition of real property for such purposes as appropriate; construction, reconstruction, improvements and equipment for public schools; construction, reconstruction, improvements and equipment for various infrastructure needs, including traffic control facilities, streets, sidewalks and other public ways, bridges, storm sewers, drains and culverts, and refuse disposal facilities; participation in redevelopment, conservation and community development programs, including the construction, reconstruction, improvement and equipment for targeted public facilities included in these programs; (ii) to refund all or a portion of the Prior Bonds and (iii) to fund a portion of the interest on the Bonds and to pay issuance and other costs related to or incurred in connection with the issuance of the Bonds as herein provided.

**§ 3. Terms of Sale; Delegation of Authority.** The Council hereby approves the following terms of the

sale of the Bonds. The Bonds may be sold all at one time or at different times, in either case in one or more series as tax-exempt or taxable obligations, as may be determined by the Director of Finance of the City in consultation with the Financial Advisor, with the approval of the City Manager of the City.

The Bonds shall be sold upon recommendation of the Financial Advisor, at either competitive bid or negotiated sale, at such prices as the Director of Finance, with the approval of the City Manager, shall determine to be in the best interest of the City, provided (i) the true interest cost of the Bonds in the aggregate shall not exceed 4.50%, taking into account any original issue discount or premium, but excluding any credit enhancement premium; provided, however with respect to the Refunding Bonds, such the true interest cost shall not exceed 3.05%, (ii) the sale price of the Bonds to the underwriters or other initial purchasers thereof shall not be less than 98% of the aggregate principal amount of the Bonds, not taking into account any original issue discount or premium, (iii) the final maturity of the Bonds shall not be later than 25 years from their dated date or such lesser period as set forth from time to time in the City's general obligation bond debt policy, provided, however, the final maturity of the Refunding Bonds shall not exceed the final maturity of the Prior Bonds being refunded, and (iv) any optional redemption premium shall not exceed two percent (2%) of the principal amount of the Bonds. The Director of Finance, with the approval of the City Manager, is authorized to negotiate and acquire credit enhancement for the Bonds if it is determined in the City's best interest to do so based upon the recommendation of the Financial Advisor.

The actions of the Director of Finance, with the approval of the City Manager, in selling the Bonds shall be conclusive, and no further action shall be necessary on the part of the Council. This Resolution is intended to grant to the Director of Finance and the City Manager full and complete authority to finalize the terms of the Bonds, to provide for their issuance and sale and to execute and deliver any and all documentation in connection therewith without further approval by Council, subject to the requirements and conditions of this Resolution, the Public Finance Act, the City Charter and the Constitution and other laws of the Commonwealth of Virginia.

**§ 4. Refunding Provisions.** The Director of Finance, with the approval of the City Manager, is authorized and directed to select the principal maturities of the Prior Bonds or portions of such maturities to be refunded and to cause to be called for optional redemption any such maturity or portion thereof to be redeemed prior to its stated maturity in accordance with the provisions of such Prior Bonds. In connection with the refunding herein authorized, the City Manager, if determined necessary or appropriate in consultation with the Financial

Advisor, is authorized to retain the services of independent consultants to provide verification reports (the "Verification Agent") on aspects of the refunding and is further authorized to retain the services of one or more escrow agents (the "Escrow Agent") and to enter into escrow agreements with them to the extent needed to hold and provide for investment of all or portions of the proceeds of the Refunding Bonds and other funds as needed pending their application to refund the Prior Bonds or portions thereof selected to be refunded.

**§ 5. Redemption and Purchase.** Subject to the following paragraph, the Bonds may be subject to redemption or purchase prior to maturity at the option of the City on or after dates, if any, determined by the Director of Finance, with the approval of the City Manager, in whole or in part at any time, at a redemption price or purchase equal to the principal amount of each bond, together with any accrued interest to the redemption or purchase date and a redemption or purchase premium, if any, as set forth in paragraph 3 hereof, not to exceed 2% of the principal amount of such bond to be redeemed or purchased, such redemption or purchase premium to be determined by the Director of Finance, with the approval of the City Manager. Any portion of the Bonds issued as term bonds may be subject to mandatory sinking fund redemption as determined by the Director of Finance, with the approval of the City Manager with such redemption terms being set forth in the Bonds.

If less than all of the Bonds are called for optional redemption or purchase, the maturities of bonds to be redeemed or purchased shall be selected by the Director of Finance in such manner as such officer may determine to be in the best interest of the City. If less than all the bonds of a particular maturity are called for redemption or purchase, the bonds within such maturity to be redeemed or purchased shall be selected by the Securities Depository, herein defined, for the Bonds, if any, pursuant to its rules and procedures or, if the book-entry system is not in effect, shall be selected by the Registrar, herein defined, by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any bond to be redeemed or purchased shall be in the principal amount of \$5,000, or an integral multiple thereof, and (b) in selecting bonds for redemption or purchase, each bond shall be considered as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000. The City shall cause notice of the call for redemption identifying the bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the Securities Depository for the bonds or its nominee as the registered owner thereof, or, if the book-entry system is not in effect, to the persons shown on the registration books of the Registrar to be the registered owners of the bonds. If the

book-entry system is in effect, the City shall not be responsible for giving notice of redemption to anyone other than the Securities Depository for the bonds or its nominee; provided, however, the City will comply with any redemption notice requirement set forth in paragraph 16 hereof relating to its continuing disclosure undertaking. If a portion of a bond is called for redemption, a new bond in principal amount of the unredeemed portion thereof shall be issued to the registered owner upon surrender thereof.

**§ 6. Bond Details.** The Bonds shall be in registered form and shall be designated by title, date and series, bear interest from the date, be payable on the payment dates, and mature at such time or times not exceeding 25 years from their date, subject to the limitations set forth above, and in amounts as either serial or term bonds, or both, with sinking fund payments, if any, all as determined by the Director of Finance, with the approval of the City Manager.

Each bond shall be issued in the denomination of \$5,000 or any integral multiple thereof and shall bear interest at such rate as shall be determined at the time of sale, calculated on the basis of a 360-day year and a 30-day month, payable semiannually as determined by the Director of Finance, with the approval of the City Manager, subject to the terms of this Resolution.

Principal and premium, if any, shall be payable to the registered owners upon surrender of bonds as they become due at the office of the Registrar. Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar on the date prior to each interest payment date that shall be determined by the Director of Finance, with the approval of the City Manager (the "Record Date"); provided however, any Record Date contained in the bond certificate shall be deemed the determination of such officers. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

Initially, one bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York ("DTC"), or its nominee. The City has heretofore entered into a Blanket Issuer Letter of Representations relating to a book-entry system to be maintained by DTC with respect to the Bonds. "Securities Depository" shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section.

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the City discharges its responsibilities hereunder, or (b) the City,

in its sole discretion, determines (i) that beneficial owners of Bonds shall be able to obtain certificated bonds or (ii) to select a new Securities Depository, then the City's Director of Finance shall, at the direction of the City, attempt to locate another qualified securities depository to serve as Securities Depository and authenticate and deliver certificated bonds to the new Securities Depository or its nominee, or authenticate and deliver certificated bonds to the beneficial owners or to the Securities Depository participants on behalf of beneficial owners. In delivering certificated bonds, the City's Director of Finance shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated bonds will then be registrable, transferable and exchangeable as set forth herein.

So long as there is a Securities Depository for the Bonds, (1) it or its nominee shall be the registered owner of the Bonds, (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges, and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository, (3) the Registrar and the City shall not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants, (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds, and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Blanket Issuer Letter of Representations, such provisions of the Blanket Issuer Letter of Representations, except to the extent set forth in this paragraph and the immediately preceding paragraph, shall control.

**§ 7. Preparation, Execution and Delivery of Bonds.** The City Manager, the Director of Finance and the City Clerk are authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to or for the account of the purchasers thereof upon payment therefor. The Bonds shall be signed by the manual or facsimile signatures of the City Manager or the Director of Finance, and the City's seal may be affixed thereto or a facsimile thereof printed thereon and attested by the manual or facsimile signature of the City Clerk. The Bonds may also be signed by the Mayor of the City. No bond signed by facsimile signatures shall be valid until it has been authenticated by the manual signature of an authorized officer or employee of the Registrar and the date of authentication noted thereon.

**§ 8. Form of Bonds.** The Bonds shall be in the form or forms as the Director of Finance may select, with such terms and provisions not inconsistent with this Resolution as may be approved by the officers signing the Bonds, whose approval shall be evidenced conclusively by the execution and delivery thereof.

**§ 9. Pledge of Full Faith and Credit.** The power and obligation of the City to pay principal of, premium, if any, and interest on the Bonds shall be unlimited and the City shall levy and collect ad valorem taxes upon all taxable property within the City, without limitation as to rate or amount, sufficient to pay the principal of, premium, if any, and interest on the Bonds to the extent other funds of the City are not sufficient or available for such purpose. The full faith and credit of the City are pledged for the payment of principal of, premium, if any, and interest on the Bonds.

**§ 10. Duties of Registrar.** The Registrar shall be selected by the Director of Finance, with the approval of the City Manager. The Registrar shall maintain registration books for the registration of the Bonds. Upon surrender of any bond to the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute, and the Registrar shall authenticate and deliver in exchange, a new bond or bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books as of the Record Date.

**§ 11. Legal Debt Limit.** The Council has ascertained and hereby determines and states that the maximum principal amount of the Bonds authorized by this Resolution, taking into account the refunding of the Prior Bonds, and all other outstanding general obligation bonds or other general obligation indebtedness heretofore issued or contracted by the City for any purpose, or in any manner, does not exceed 10% of the assessed valuation of the real estate in the City subject to taxation, as shown by the last preceding assessment for taxes, and that, accordingly, the Bonds are within the limitation of indebtedness as provided in Section 6.16 of

the City Charter, Section 15.2-2634 of the Public Finance Act and Article VII, Section 10 of the Virginia Constitution.

**§ 12. Offering Documents.** The City Manager and the Director of Finance are authorized and directed to have prepared and distributed, in accordance with standard practices of municipal securities, one or more Preliminary Official Statements of the City describing the Bonds as authorized herein, the security therefor, and providing any other pertinent or relevant information. The Director of Finance shall make such completions, omissions, insertions and changes in such Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement. The City shall arrange for the delivery to the purchasers of the Bonds of a reasonable number of copies of the final Official Statement, within seven business days after the date the Bonds have been awarded, for delivery to each potential investor requesting a copy of the final Official Statement and to each person to whom any underwriter or bidder and members of the underwriting or bidding group initially sell Bonds.

**§ 13. Offering Document Determination.** The Director of Finance is authorized, on behalf of the City, to deem such Preliminary Official Statement and such Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12 (the "Rule") of the Securities and Exchange Commission (the "SEC"), except for the omission in such Preliminary Official Statement of certain pricing and other information allowed to be omitted pursuant to the Rule. The distribution of such Preliminary Official Statement and such Official Statement in final form shall be conclusive evidence that each has been deemed final as of its date by the City, except for the omission in such Preliminary Official Statement of such pricing and other information.

**§ 14. Tax Compliance Undertakings.**

(a) The City covenants that it shall not take or omit to take any action the taking or omission of which will cause any of the Bonds issued as tax-exempt obligations to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Bonds issued as tax-exempt obligations to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law that may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not

required to prevent interest on the Bonds issued as tax-exempt obligations from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The City shall pay any such required rebate from its legally available funds.

(b) Such officers of the City as may be requested are authorized and directed to execute appropriate certificates setting forth facts and covenants related to the expected use and investment of the proceeds of the Bonds issued as tax-exempt obligations in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificates, covenants and elections shall be in such form as may be requested by bond counsel for the City.

(c) The City covenants that it shall not permit the proceeds of the Bonds issued as tax-exempt obligations or the facilities financed with the proceeds of such Bonds to be used in any manner that would result in (a) 10% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit or 5% or more of such proceeds or facilities financed with such proceeds being used for such purpose where such use is unrelated or disproportionate to the governmental use of such proceeds, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any person other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds issued as tax-exempt obligations from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

(d) Notwithstanding the foregoing, if between the date of adoption of this Resolution and the date of issuance of the Bonds, changes to federal tax law impose new or additional requirements to establish and maintain the tax-exempt status of bonds issued as tax-exempt obligations; impose requirements for the issuance of bonds under any tax-advantaged status to be established or impose requirements generally for the issuance of governmental obligations, the Director of Finance, with the approval of the City Manager, is authorized to comply with any generally applicable requirements and with any specific requirements applicable to the tax status of the

Bonds selected by such officers.

**§ 15. Post-Issuance Tax Compliance.** The Post Issuance Policies and Procedures previously established by the City Manager and Director of Finance as directed by Council to ensure compliance with the Tax Compliance Undertakings shall apply to the Bonds, and shall be administered by the Director of Finance and such other officers and staff as the Director of Finance may designate and authorize for such purpose.

**§ 16. Continuing Disclosure Undertakings.** The City desires to assist the purchasers of the Bonds in complying with the provisions of Section (b)(5)(i) of the Rule. In order to accomplish this, the City covenants to do the following to the extent required or requested:

(A) Annual Disclosure.

(1) The City shall provide annually certain financial information and operating data in accordance with the provisions of Section (b)(5)(i) of the Rule, as follows:

(a) audited financial statements, prepared in accordance with generally accepted accounting principles; and

(b) the operating data with respect to the City of the type appearing in portions of the Official Statement in final form under the headings "Authorization of Debt", "General Obligation Bonded Debt", "Certain Debt Ratios", "General Governmental Revenues" and "General Governmental Expenditures".

(2) The City shall annually provide the financial information and operating data described in subsection (1) above (the "Continuing Disclosure") within 180 days after the end of the City's fiscal year, commencing with the City's fiscal year in which the Bonds are issued, to the Municipal Securities Rulemaking Board ("MSRB") through its Electronic Municipal Market Access System or such other system as the MSRB may designate for such purpose.

(3) Any of the Continuing Disclosure may be included by specific reference to other documents previously provided to the MSRB or filed with the SEC; provided, however, that any final official statement incorporated by reference must be available from the MSRB.

(4) The City shall provide in a timely manner to the MSRB notice specifying any failure of the City to provide the Continuing Disclosure by the date specified.

If the City fails to comply with any covenant or obligation specified in this Section, any holder (within the meaning of the Rule) of the Bonds then outstanding may, by notice to the City, proceed to protect and enforce its

rights and the rights of the holders by an action for specific performance of the City's covenant to provide financial information and operating data.

(B) Event Disclosure. The City shall provide notice in a timely manner to the MSRB of the occurrence of any of the following events with respect to the Bonds, such notice to be provided not more than ten business days after the occurrence of the event:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancement reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of Bond holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar event of the City;
- (13) the consummation of a merger, consolidation or acquisition involving the City or sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material.

(C) Termination. The covenants and obligations of the City specified in subsections (A) and (B) to the extent they apply shall terminate upon the redemption, defeasance (within the meaning of the Rule) or payment in

full of all the Bonds.

(D) Amendment. The City reserves the right to modify its obligations specified in subsections (A) and (B) without the consent of bondholders, provided that such modification complies with the Rule as it exists at the time of modification. The City shall, within a reasonable time thereafter, send to the MSRB, a description of such modification(s).

(E) Additional Disclosure. The City may from time to time disclose certain information and data in addition to the Continuing Disclosure. Notwithstanding anything herein to the contrary, the City shall not incur any obligation to continue to provide, or to update, such additional information or data.

**§ 17. Filing of Resolution.** The City Clerk, with the assistance of the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this Resolution in the Circuit Court of the City of Hampton and is directed to make a copy of this Resolution continuously available for inspection by the general public during normal business hours at the City Clerk's office from the date of adoption hereof through the date of the issuance of the Bonds.

**§ 18. Confirmation and General Authorization.** All other actions of officers of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds, including entering into agreements to evidence its continuing disclosure undertaking and contracts and arrangements for the purchase of the Bonds in connection with a negotiated sale with one or more underwriters, to provide credit enhancement or insurance for all or a portion of the Bonds, and to provide for the investment of the proceeds of the Bonds.

**§ 19. Investment Authorization.** The City Council hereby authorizes the Director of Finance to utilize the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") in connection with the investment of the proceeds of the Bonds or any portion thereof, if the Director of Finance determines that the utilization of SNAP is in the best interest of the City. The City Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in any contract with SNAP.

**§ 20. Effective Date.** This Resolution shall be in force and effect upon adoption.





City of Hampton, VA

Agenda Review

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 15-0099

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File Number: 15-0099

Request Number: R-2015-00081

File Type: Ordinance - Zoning Text

Department: Planning

Introduced: 3/25/2015

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

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Created By: Alison Alexander

Phone:

Requestor:

Phone:

Presenter: Jeff Conkle, Deputy Zoning Official

Phone: 728.5229

Title: Ordinance To Amend And Reenact Chapter 2 Of The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Sections 2-2 Entitled, "Table Of Uses Permitted" And 2-3 Entitled, "Additional Standards On Uses" Pertaining To Development Standards For Group Homes, Juvenile Residences, Orphanages And Shelters.

Action Requested: Approval of the ordinance.

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Power Point  
Use Table Red line  
Use Table Clean Version  
Red Line  
Resolution

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Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

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BRIEF BACKGROUND STATEMENT:

Chapter 2 of the zoning ordinance governs uses permitted in the City. Specifically, the Table of Uses Permitted in Sec. 2-2 contains a category of "Group Living" which has not been updated in many years. Recent inquiries regarding some of these uses prompted staff to take a closer look at those "group living" uses and where they are permitted. That investigation found Hampton's uses to be out of line with those of our neighboring localities and with the goals of our community plan and master plans.

Specifically, all cities in Hampton Roads require a use such as “halfway house” to obtain a use permit whereas Hampton allows that use by-right in several zoning districts. Similarly, most cities also require use permits for such uses as detention facilities, group homes and juvenile residences. As such, changes are being proposed to bring Hampton into alignment with its peers as described below:

Approval of this amendment would change the uses of detention facility and halfway house from being permitted by-right to being permitted by use permit in the C-1, C-2, and C-3 districts and would remove the uses from the RT-1, SPI-OHB and SPI-OHW districts.

This amendment would also change the use of group home 2 from being permitted by-right to being permitted by use permit in the C-1, and C-2 districts and would remove the use from the RT-1, SPI-OHB, SPI-OHR and SPI-OHW districts.

This amendment would also consolidate the uses of juvenile residence 1, juvenile residence 2 and juvenile residence 3 into one new use named juvenile residence which will be permitted by use permit in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-T, MD-2, MD-3, MD-4, R-M, C-1 and C-2 districts with an additional standard requiring separation from other uses of the same type.

This amendment would also change the use of orphanage in the C-2 and C-3 districts to include an additional standard requiring separation from other similar uses and would remove the use from the RT-1, SPI-OHB and SPI-OHW districts.

Finally, this amendment would also change the use of shelter in the C-1, C-2 and C-3 districts to include an additional standard requiring separation from other uses of the same type and would remove the use from the RT-1, SPI-OHB, SPI-OHR and SPI-OHW districts.

LEGISLATION TEXT:

**Whereas**, the public necessity, convenience, general welfare and good zoning practice so require;

**BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Sections 2-2 and 2-3 of Chapter 2 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

## **CHAPTER 2 - USES PERMITTED**

### **Sec. 2-2. Table of uses permitted.**

[See attached use table for changes.]

**Sec. 2-3. Additional standards on uses.**

The following uses have additional standards:

...

- (8) **Group home 2** in the MD-T, MD-2, MD-3, MD-4, R-M, C-1 and C-2 districts, or;  
**Juvenile residence** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-T, MD-2, MD-3, MD-4, R-M, C-1 and C-2 districts.

- (a) No facility shall be located within a three-quarter ( $\frac{3}{4}$ ) mile radius of any existing facility of the same type.

- (9) **Orphanage** in the R-M, C-1, C-2 and C-3 districts, or;  
**Shelter** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-T, MD-2, MD-3, MD-4, R-M, C-1, C-2 and C-3 districts.

- (a) No facility shall be located within a two-mile radius of any existing facility of the same type.

...

# City Council

## Zoning Ordinance Amendments 156-2015, 157-2015, 158-2015



March 25, 2015

HAMPTON VA

## Overview

Existing ordinance contains several types of "group living" uses

- Group homes
- Juvenile residences
- Shelters
- Orphanages
- Halfway houses
- Detention facilities

City Council

March 25, 2015

## Issue

---

These uses are permitted in districts which are not in alignment with the Community Plan or master plans

For example, halfway houses are permitted by-right in Coliseum Central

City Council

March 25, 2015

## Solution

---

Remove these uses from the Coliseum Central, Downtown, and Residential Transition districts

Change these uses to require a use permit in all other districts where previously permitted by-right

City Council

March 25, 2015

## Action Requested

---

Approval of  
Zoning Ordinance Amendments  
156-2015, 157-2015, 158-2015

City Council

March 25, 2015















Sec. 2-3(20)

Sec. 2-3(21)

Sec. 2-3(22)

Sec. 2-3(22)

Sec. 2-3(23)

Sec. 2-3(23)

Sec. 2-3(25)

Sec. 2-3(26)

Sec. 2-3(37)

Sec. 2-3(19)

Sec. 2-3(46)

Sec. 2-3(38)

Sec. 2-3(39)

Sec. 2-3(27)

Sec. 2-3(28)

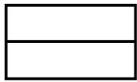
Sec. 2-3(29)

Sec. 2-3(47)

Sec. 2-3(43)

Sec. 2-3(30)

















Sec. 2-3(40)

Sec. 2-3(41)

Sec. 2-3(44)

Sec. 2-3(12)

Sec. 2-3(13)

Sec. 2-3(14)

Sec. 2-3(15)

Sec. 2-3(16)

Sec. 2-3(17)

Sec. 2-3(17)

Sec. 2-3(42)

Sec. 2-3(18)

Sec. 2-3(24)

Sec. 2-3(19)

Sec. 2-3(20)

Sec. 2-3(21)
Sec. 2-3(22)
Sec. 2-3(22)
Sec. 2-3(23)
Sec. 2-3(23)
Sec. 2-3(25)
Sec. 2-3(26)
Sec. 2-3(37)
Sec. 2-3(19)
Sec. 2-3(46)
Sec. 2-3(38)
Sec. 2-3(39)
Sec. 2-3(27)
Sec. 2-3(28)
Sec. 2-3(29)
Sec. 2-3(47)
Sec. 2-3(43)
Sec. 2-3(30)



1 **Ordinance To Amend And Reenact Chapter 2 Of The Zoning Ordinance Of The City Of**  
2 **Hampton, Virginia By Amending Sections 2-2 Entitled, “Table Of Uses Permitted” And 2-3**  
3 **Entitled, “Additional Standards On Uses” Pertaining To Development Standards For**  
4 **Group Homes, Juvenile Residences, Orphanages And Shelters.**

5  
6 **Whereas**, the public necessity, convenience, general welfare and good zoning practice so  
7 require;

8  
9 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Sections 2-2 and 2-3 of  
10 Chapter 2 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-  
11 enacted as follows:

12  
13 **CHAPTER 2 - USES PERMITTED**

14  
15 **Sec. 2-2. Table of uses permitted.**

16 *[See attached use table for changes.]*

17 **Sec. 2-3. Additional standards on uses.**

18  
19 The following uses have additional standards:

20 ...

21 (8) **Group home 2** in the MD-T, MD-2, MD-3, MD-4, R-M, *C-1 and C-2* and ~~SPI-~~  
22 ~~OHR~~ districts, or;

23 **Juvenile residence 2** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-  
24 9, R-8, and R-4, *MD-T, MD-2, MD-3, MD-4, R-M, C-1 and C-2* districts, or;

25 ~~**Juvenile residence 3** in the MD-T, MD-2, MD-3, MD-4, R-M, and SPI-OHR~~  
26 ~~districts.~~

27 (a) No facility shall be located within a three-quarter ( $\frac{3}{4}$ ) mile radius of any  
28 existing facility of the same type.

29 (9) **Orphanage** in the R-M, C-1, *C-2 and C-3* and ~~RT-1~~ districts, or;

30 **Shelter** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4,  
31 MD-T, MD-2, MD-3, MD-4, R-M, *C-1, C-2 and C-3* ~~RT-1~~, and ~~SPI-OHR~~ districts.

32 (a) No facility shall be located within a two-mile radius of any existing facility  
33 of the same type.

34 ...

**AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, CITY HALL, HAMPTON, VIRGINIA ON THURSDAY, MARCH 5, 2015 AT 3:30 P.M.**

**WHEREAS:** The Hampton Planning Commission has before it this day ZOA 156-2015, a proposed ordinance to amend and reenact Chapter 2 of the Zoning Ordinance of the City of Hampton, Virginia by amending sections 2-2 entitled, "Table of Uses Permitted" and 2-3 entitled, "Additional Standards on Uses" pertaining to development standards for group homes, juvenile residences, orphanages and shelters;

**WHEREAS:** staff discovered that allowances for group living uses were out of alignment with the community plan, applicable master plans, and neighboring jurisdictions;

**WHEREAS:** this amendment would change the use of detention facilities and halfway houses from being permitted by-right to being permitted by use permit in the C-1, C-2, and C-3 districts and would remove the uses from the RT-1, SPI-OHB, and SPI-OHW districts;

**WHEREAS:** this amendment would also change the use of group home 2 from being permitted by-right to being permitted by use permit in the C-1 and C-2 districts and would remove the use from the RT-1, SPI-OHB, SPI-OHR, and SPI-OHW districts;

**WHEREAS:** this amendment would also consolidate the uses of juvenile residence 1, juvenile residence 2, and juvenile residence 3 into one new use named juvenile residence which will be permitted by use permit in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-T, MD-2, MD-3, MD-4, R-M, C-1, and C-2 districts with an additional standard requiring separation from other uses of the same type;

**WHEREAS:** this amendment would also change the use of orphanage in the C-2 and C-3 districts to include an additional standard requiring separation from other similar uses and would remove the use from the RT-1, SPI-OHB, and SPI-OHW districts;

**WHEREAS:** this amendment would also change the use of shelter in the C-1, C-2, and C-3 districts to include an additional standard requiring separation from other uses of the same type and would remove the use from the RT-1, SPI-OHB, SPI-OHR, and SPI-OHW districts; and

**WHEREAS:** there were no speakers from the public.

**NOW, THEREFORE,** on a motion by Commissioner Southall and seconded by Commissioner Williams,

**BE IT RESOLVED** that the Hampton Planning Commission recommends approval to City Council of the ordinance amendment to Chapter 2 of the Zoning Ordinance.

A roll call vote on the motion resulted as follows:

AYES:	Southall, Williams, McCloud, Schmidt, Bunting, LaRue
NAYS:	None
ABST:	None
ABSENT:	Campbell

**A COPY; TESTE:**

  
Terry P. O'Neill  
Secretary to Commission



City of Hampton, VA

Agenda Review

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 15-0100

File Number: 15-0100

Request Number: R-2015-00082

File Type: Ordinance - Zoning Text

Department: Planning

Introduced: 3/25/2015

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Alison Alexander

Phone:

Requestor:

Phone:

Presenter: Jeff Conkle, Deputy Zoning Official

Phone: 728.5229

Title: Ordinance To Amend And Re-Enact Article XV Of Chapter 17.3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "SPI-CC Coliseum Central District" By Amending Section 17.3-116 Pertaining To Modifications To Permitted Uses.

Action Requested: Approval of the ordinance.

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Red Line  
Resolution

Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Article XV of Chapter 17.3 of the zoning ordinance governs the Special Public Interest-Coliseum Central (SPI-CC) overlay district. Specifically, Sec. 17.3-116 contains a list of uses that are either permitted or prohibited in the SPI-CC overlay district regardless of base zoning district. Recent inquiries regarding some uses which are not addressed in SPI-CC prompted staff to take a closer look at those and other "group living" uses. That investigation found Hampton's uses to be out of line with those of our neighboring localities and with the goals of our community plan and the Coliseum Central Master Plan.

Specifically, the Coliseum Central Master Plan focuses on the neighborhood's position as the key

economic generator in the City and works to further that position through encouragement of mixed uses and infill development which are compatible with the important status of Coliseum Central described above. As such, changes are being proposed to bring the SPI-CC overlay into alignment with the master plan, as described below:

Approval of this amendment would remove the uses of detention facility, group home 2, halfway house, juvenile residence, orphanage and shelter from the SPI-CC District.

LEGISLATION TEXT:

**Whereas**, the public necessity, convenience, general welfare and good zoning practice so require;

**BE IT ORDAINED** by the Council of the City of Hampton, Virginia that chapter 17.3 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

**CHAPTER 17.3 – SPECIAL PUBLIC INTEREST (SPI) DISTRICTS**

...

**ARTICLE XV. – SPI-CC COLISEUM CENTRAL DISTRICT**

...

**Sec. 17.3-116. Modifications to permitted uses.**

- (1) Permitted uses shall be defined by the base zoning of the individual properties with the following modifications:
  - (a) Prohibited uses:
    - (i) Boarding houses;
    - (ii) Funeral homes;
    - (iii) Mobile/manufactured home parks and subdivisions;
    - (iv) Pawnshops;
    - (v) Rooming houses;
    - (vi) Sign painting shops;
    - (vii) Tattoo parlors;
    - (viii) Turkish baths;
    - (ix) Detention facility;
    - (x) Group home 2;
    - (xi) Halfway house;
    - (xii) Juvenile residence;
    - (xiii) Orphanage;
    - (xiv) Shelter.
  - (b) Permitted uses:
    - ...



1 **Ordinance To Amend And Re-Enact Article XV Of Chapter 17.3 Of The Zoning Ordinance**  
2 **Of The City Of Hampton, Virginia Entitled “SPI-CC Coliseum Central District” By**  
3 **Amending Section 17.3-116 Pertaining To Modifications To Permitted Uses.**

4  
5 **Whereas**, the public necessity, convenience, general welfare and good zoning practice so  
6 require;

7  
8 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that chapter 17.3 of the  
9 Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

10  
11 **CHAPTER 17.3 – SPECIAL PUBLIC INTEREST (SPI) DISTRICTS**

12  
13 ...

14  
15 **ARTICLE XV. – SPI-CC COLISEUM CENTRAL DISTRICT**

16  
17 ...

18  
19 **Sec. 17.3-116. Modifications to permitted uses.**

20  
21 (1) Permitted uses shall be defined by the base zoning of the individual properties  
22 with the following modifications:

23 (a) Prohibited uses:

- 24 (i) Boarding houses;
- 25 (ii) Funeral homes;
- 26 (iii) Mobile/manufactured home parks and subdivisions;
- 27 (iv) Pawnshops;
- 28 (v) Rooming houses;
- 29 (vi) Sign painting shops;
- 30 (vii) Tattoo parlors;
- 31 (viii) Turkish baths;-
- 32 (ix) *Detention facility;*
- 33 (x) *Group home 2;*
- 34 (xi) *Halfway house;*
- 35 (xii) *Juvenile residence;*
- 36 (xiii) *Orphanage;*
- 37 (xiv) *Shelter.*

38 (b) Permitted uses:

39 ...

**AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, CITY HALL, HAMPTON, VIRGINIA ON THURSDAY, MARCH 5, 2015 AT 3:30 P.M.**

**WHEREAS:** The Hampton Planning Commission has before it this day ZOA 157-2015, a proposed ordinance to amend and reenact Article XV of Chapter 17.3 of the Zoning Ordinance of the City of Hampton, Virginia entitled "SPI-CC Coliseum Central District" by amending section 17.3-116 pertaining to modifications to permitted uses;

**WHEREAS:** staff discovered that allowances for group living uses were out of alignment with the community plan, applicable master plans, and neighboring jurisdictions;

**WHEREAS:** this amendment would remove the uses of detention facility, group home 2, halfway house, juvenile residence, orphanage, and shelter from the SPI-CC District; and

**WHEREAS:** there were no speakers from the public.

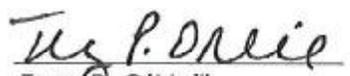
**NOW, THEREFORE,** on a motion by Commissioner Southall and seconded by Commissioner McCloud,

**BE IT RESOLVED** that the Hampton Planning Commission recommends approval to City Council of the ordinance amendment to Chapter 17.3 of the Zoning Ordinance.

A roll call vote on the motion resulted as follows:

AYES:	Southall, Williams, McCloud, Schmidt, Bunting, LaRue
NAYS:	None
ABST:	None
ABSENT:	Campbell

**A COPY; TESTE:**

  
Terry P. O'Neill  
Secretary to Commission



City of Hampton, VA

Agenda Review

File Number: 15-0101

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **15-0101**

Request Number: **R-2015-00083**

File Type: **Ordinance - Zoning Text**

Department: **Planning**

Introduced: **3/25/2015**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

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Created By: **Alison Alexander**

Phone:

Requestor:

Phone:

Presenter: **Jeff Conkle, Deputy Zoning Official**

Phone: **728.5229**

Title: **Ordinance To Amend And Re-Enact Chapter 2.1 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Definitions" By Amending Section 2.1-2 Pertaining To Definitions.**

Action Requested: **Approval of the ordinance.**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Resolution  
Red Line

---

Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

---

**BRIEF BACKGROUND STATEMENT:**

Chapter 2.1 of the zoning ordinance governs definitions of terms. Specifically, Sec. 2.1-2 contains a list of definitions, including those for some of the group living uses being addressed by zoning ordinance amendments 156-2015 and 157-2015.

While researching group living regulations, staff found conflicting terms and overlapping definitions for detention facilities and juvenile residences. As such, changes are being proposed to clarify the uses and better define them, as described below:

Approval of this amendment would create new definitions for “detention facility” and “juvenile residence” while deleting the definitions for “juvenile detention facility,” “juvenile residence 1,” “juvenile residence 2” and “juvenile residence 3.”

LEGISLATION TEXT:

**Whereas**, the public necessity, convenience, general welfare and good zoning practice so require;

**BE IT ORDAINED** by the Council of the City of Hampton, Virginia that chapter 2.1 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

**CHAPTER 2.1 – DEFINITIONS**

...

**Sec. 2.1-2. Definitions.**

...

**Detention facility.** Any governmental facility which houses persons who have been arrested, charged or convicted of a crime, including but not limited to jails and juvenile detention facilities, but not including prisons or correctional facilities operated by state or federal government.

...

**Family.**

An individual living alone in a dwelling unit; or

Any of the following groups of persons living together and sharing living areas in a single dwelling unit:

Two (2) or more persons related by blood, marriage, adoption or approved foster care;

A group of not more than four (4) persons (including servants) who need not be related by blood, marriage, adoption or approved foster care;

Day Care 1;

Group Home 1; or

A group of not more than two (2) adults who need not be related by blood or marriage, and the children of each of the two (2) adults.

...

**Juvenile residence.** A residential facility for juveniles which houses five (5) or more residents, but which does not include orphanages, shelters, detention facilities, group homes or halfway houses, as defined in this ordinance.

...

**AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, CITY HALL, HAMPTON, VIRGINIA ON THURSDAY, MARCH 5, 2015 AT 3:30 P.M.**

**WHEREAS:** The Hampton Planning Commission has before it this day ZOA 158-2015, a proposed ordinance to amend and reenact Chapter 2.1 of the Zoning Ordinance of the City of Hampton, Virginia entitled "Definitions" by amending section 2.1-2 pertaining to definitions;

**WHEREAS:** staff discovered that allowances for group living uses were out of alignment with the community plan, applicable master plans, and neighboring jurisdictions;

**WHEREAS:** this amendment would create new definitions for "detention facility" and "juvenile residence" while deleting the definitions for "juvenile detention facility," "juvenile residence 1," "juvenile residence 2," and "juvenile residence 3"; and

**WHEREAS:** there were no speakers from the public.

**NOW, THEREFORE,** on a motion by Commissioner Southall and seconded by Commissioner Schmidt,

**BE IT RESOLVED** that the Hampton Planning Commission recommends approval to City Council of the ordinance amendment to Chapter 2.1 of the Zoning Ordinance.

A roll call vote on the motion resulted as follows:

AYES:	Southall, Williams, McCloud, Schmidt, Bunting, LaRue
NAYS:	None
ABST:	None
ABSENT:	Campbell

**A COPY; TESTE:**

  
Terry P. O'Neill  
Secretary to Commission

1 **Ordinance To Amend And Re-Enact Chapter 2.1 Of The Zoning Ordinance Of The City Of**  
2 **Hampton, Virginia Entitled “Definitions” By Amending Section 2.1-2 Pertaining To**  
3 **Definitions.**

4  
5 **Whereas**, the public necessity, convenience, general welfare and good zoning practice so  
6 require;

7  
8 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that chapter 2.1 of the Zoning  
9 Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

10  
11 **CHAPTER 2.1 – DEFINITIONS**

12 ...

13 **Sec. 2.1-2. Definitions.**

14 ...

15 ***Detention facility.*** *Any governmental facility which houses persons who have been arrested,*  
16 *charged or convicted of a crime, including but not limited to jails and juvenile detention facilities,*  
17 *but not including prisons or correctional facilities operated by state or federal government.*

18 ...

19 **Family.**

20 An individual living alone in a dwelling unit; or

21 Any of the following groups of persons living together and sharing living areas in a single  
22 dwelling unit:

23 Two (2) or more persons related by blood, marriage, adoption or approved foster care;

24 A group of not more than four (4) persons (including servants) who need not be related by  
25 blood, marriage, adoption or approved foster care;

26 Day Care 1;

27 Group Home 1; *or*

28 ~~Juvenile Residence 1; or~~

29 A group of not more than two (2) adults who need not be related by blood or marriage, and the  
30 children of each of the two (2) adults.

31 ...

32 ~~**Juvenile detention facility.** Any residential facility, operated under the standards of the~~  
33 ~~department of juvenile justice, housing juveniles who have been arrested or charged, but not yet~~  
34 ~~convicted.~~

35 **Juvenile residence.** A residential facility for juveniles *which houses five (5) or more residents,*  
36 *but which does not*, but not to include orphanages, shelters, juvenile detention facilities, group  
37 homes or halfway houses, as defined in this ordinance. ~~There shall be three (3) categories~~  
38 ~~established based on the number of residents, exclusive of resident counselors:~~

39 ~~Juvenile Residence 1 (JR1) — No more than three (3) residents;~~

40 ~~Juvenile Residence 2 (JR2) — Four (4) to eight (8) residents; and~~

41 Juvenile Residence 3 (JR3) — Nine (9) or more residents.

42 ...



City of Hampton, VA

Agenda Review

File Number: 15-0102

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **15-0102**

Request Number: **R-2015-00084**

File Type: **Ordinance - Zoning Text**

Department: **Planning**

Introduced: **3/25/2015**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

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Created By: **Alison Alexander**

Phone:

Requestor:

Phone:

Presenter: **Keith Cannady, Planning & Zoning  
Manager**

Phone: **728.5239**

Title: **Ordinance To Amend And Re-Enact Article XIV Of Chapter 17.3 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "SPI-HRCW Hampton Roads Center West" By Amending Section 17.3-105 Pertaining To Building And Screening Materials.**

Action Requested: **Approval of the ordinance.**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Red Line  
Presentation  
Letter  
Resolution

---

Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

---

BRIEF BACKGROUND STATEMENT:

Approval of this amendment would change the way that fences are regulated in the Special Public Interest -Hampton Roads Center West (SPI-HRCW) district. The proposed amendment would eliminate restrictions on fence materials and it would allow fences to be located within a required set back. The amendment would also require that fences located adjacent to Big Bethel Road be placed behind the vegetated berm that is provided along this side of the district. This zoning ordinance amendment accompanies a proposed amendment to Hampton City Code which would permit barbed wire fences in the SPI-HRCW district

The purpose of this zoning amendment is to allow for a greater level of security for buildings and properties located within the district while also protecting the screening that is provided from the public right-of-way along Big Bethel Road.

LEGISLATION TEXT:

**Whereas**, the public necessity, convenience, general welfare and good zoning practice so require;

**BE IT ORDAINED** by the Council of the City of Hampton, Virginia that chapter 17.3 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

**CHAPTER 17.3 – SPECIAL PUBLIC INTEREST (SPI) DISTRICTS**

...

**ARTICLE XIV. – SPI-HRCW—HAMPTON ROADS CENTER WEST**

...

**Sec. 17.3-105. Building and screening materials.**

...

- (6) Fences adjacent to the Big Bethel Road right-of-way shall be located at the westernmost edge of the vegetated berm required under the provisions of the “City of Hampton Landscape Guidelines”.

1 **Ordinance To Amend And Re-Enact Article XIV Of Chapter 17.3 Of The Zoning Ordinance**  
2 **Of The City Of Hampton, Virginia Entitled “SPI-HRCW Hampton Roads Center West” By**  
3 **Amending Section 17.3-105 Pertaining To Building And Screening Materials.**

4  
5 **Whereas**, the public necessity, convenience, general welfare and good zoning practice so  
6 require;

7  
8 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that chapter 17.3 of the  
9 Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

10  
11 **CHAPTER 17.3 – SPECIAL PUBLIC INTEREST (SPI) DISTRICTS**

12  
13 ...

14  
15 **ARTICLE XIV. – SPI-HRCW—HAMPTON ROADS CENTER WEST**

16  
17 ...

18  
19 **Sec. 17.3-105. Building and screening materials.**

20  
21 ...

- 22 (6) *Fences adjacent to the Big Bethel Road right-of-way shall be located at the*  
23 *westernmost edge of the vegetated berm required under the provisions of the*  
24 *“City of Hampton Landscape Guidelines”.* ~~The use of any fence within any~~  
25 ~~required set back is prohibited. All fences shall be masonry or black, dark green~~  
26 ~~or dark brown vinyl coated chain link; the use of electrified fences, barbed or~~  
27 ~~razor wire, and chain link with slats anywhere in the district is expressly~~  
28 ~~prohibited.~~

**Zoning Ordinance Amendment**



ZOA 159-2015 SPI-HRCW  
Hampton Roads Center West

City Council  
March 25, 2015

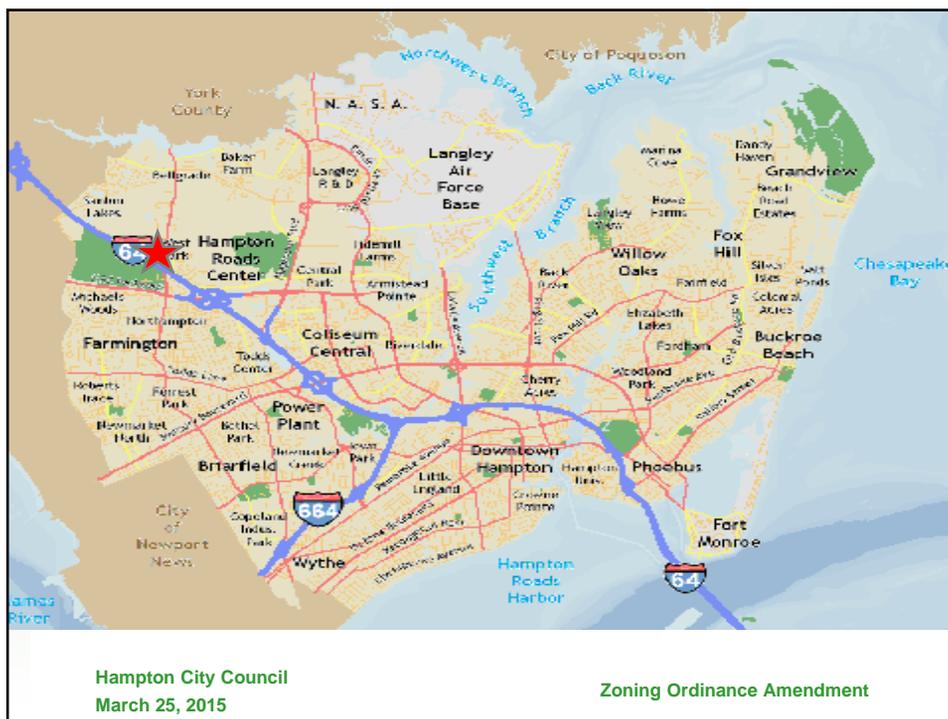


**ZOA 159-2015**

**Chapter 17.3 Section 105 (6)  
Bldg. & Screening Materials**

Hampton City Council  
March 25, 2015

Zoning Ordinance Amendment



## Existing Zoning

The map displays several zoning districts: RT-1 (RZ1211) in red, C-1 (RZ884) in pink, R-11 (RZ886) in yellow, SPI-PL in green, and SPI-HRCW in blue. A red outline highlights a specific parcel within the SPI-HRCW zone, which is also labeled 'SITE' with a callout box. The map is overlaid on a satellite-style background.

Hampton City Council  
March 25, 2015

Zoning Ordinance Amendment



## Land Use Plan

The map shows three land use designations: Public/Semipublic in light purple, Rural density residential in yellow, and Open Space in green. A red outline highlights a parcel within the Rural density residential zone, labeled 'SITE' with a callout box. The map is overlaid on a satellite-style background.

Hampton City Council  
March 25, 2015

Zoning Ordinance Amendment

## Proposal

- Amend Fence Materials and Location Requirements
- Allow Increased Security for Bldgs. & Property
- Protect Screening Along Big Bethel Road

Hampton City Council  
March 25, 2015

Zoning Ordinance Amendment

## Landscaped Buffer

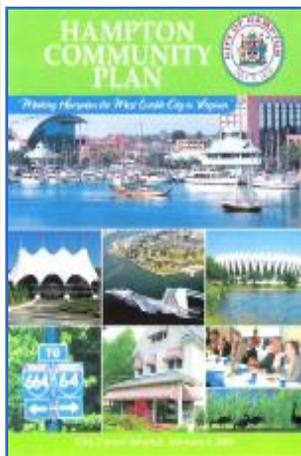


Photo source: Google, 2015

Hampton City Council  
March 25, 2015

Zoning Ordinance Amendment

## Public Policy



Hampton Community Plan (2006, as amended).

- Promote high-quality design and site planning that is compatible with surrounding development.
- Preserve and enhance the identity and scenic qualities of city corridors and gateways.
- Retain, expand, and attract businesses that provide jobs with family-supporting wages.

Hampton City Council  
March 25, 2015

Zoning Ordinance Amendment

## Recommendation

Staff recommends approval of  
ZOA 159-2015

Hampton City Council  
March 25, 2015

Zoning Ordinance Amendment

## Cannady, Keith

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**From:** Bob Murray <bmurray@hsrealtyco.com>  
**Sent:** Monday, February 23, 2015 5:20 PM  
**To:** Cannady, Keith  
**Cc:** Williamson, Ashton  
**Subject:** 300 & 500 West Park

Mr. Cannady,

My name is Robert Murray and I am the Managing Director of Asset Management for High Street Realty Company, the Owner of 300 and 500 West Park Drive, Hampton, VA. I am writing to let you, the Planning Commission and City Council know that the ownership is in full support of the ordinance to allow security fencing around the perimeter of these properties. The fencing is an integral part of our prospective tenant's security plan at West Park. Thank you in advance for your consideration and please let me know if there is any additional information required. Best regards,

Robert V. Murray  
High Street Realty Company, LLC  
53 State Street, 38th Floor  
Boston, MA 02109

O - 617-737-4516  
C - 781-248-2731

### PLEASE TAKE NOTICE:

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We do not represent or imply any performance level or investment return, nor do we make any claim that any wording herein can result in a profit, prevent a loss, or enable achievement of any particular result.

**AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, CITY HALL, HAMPTON, VIRGINIA ON THURSDAY, MARCH 5, 2015 AT 3:30 P.M.**

**WHEREAS:** the Hampton Planning Commission has before it this day ZOA 159-2015, a proposed ordinance to amend and reenact Article XIV of Chapter 17.3 of the Zoning Ordinance of the City of Hampton, Virginia entitled, "SPI-HRCW Hampton Roads Center West" by amending section 17.3-105 pertaining to building and screening materials;

**WHEREAS:** this amendment would eliminate restrictions on fence materials, allow fences to be located within the required set back and require that fences located adjacent to Big Bethel Road be placed behind the required vegetated berm that is provided along this side of the district;

**WHEREAS:** approval of this amendment would allow for a greater level of security for buildings and properties located within the district while protecting the screening that is provided from the public right-of-way along Big Bethel Road;

**WHEREAS:** this proposed zoning ordinance amendment accompanies a proposed amendment to the Hampton City Code to allow barbed wire fences in the SPI-HRCW district; and

**WHEREAS:** there were no speakers from the public.

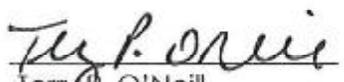
**NOW, THEREFORE,** on a motion by Commissioner Williams and seconded by Commissioner Southall,

**BE IT RESOLVED** that the Hampton Planning Commission recommends approval to City Council of the ordinance amendment to Chapter 17.3 of the Zoning Ordinance.

A roll call vote on the motion resulted as follows:

AYES:	Southall, Williams, McCloud, Schmidt, Bunting, LaRue
NAYS:	None
ABST:	None
ABSENT:	Campbell

**A COPY; TESTE:**

  
Terry O'Neill  
Secretary to Commission



City of Hampton, VA

Agenda Review

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: 15-0090

File Number: 15-0090

Request Number: R-2015-00070

File Type: Ordinance - Coded

Department: City Attorney

Introduced: 3/25/2015

Date of Final Action:

Enactment Number:

Effective: 3/25/2015

Status: Received By Clerk's Office

Created By: Christina Campana

Phone:

Requestor: Bonnie N. Brown

Phone: 757-727-6157

Presenter: Leonard L. Sledge, to answer  
questions only, Director, Economic  
Development

Phone: 757-728-5165

Title: Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Article VI of Chapter 9 Entitled, "Barbed Wire" Pertaining to Use of Barbed Wire Fencing in the Special Public Interest – Hampton Roads Center West (SPI-HRCW) Zoning District

Action Requested: Approval of the ordinance (No Public Hearing Necessary)

Estimated Time: Five Minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Redline

Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Currently the city code permits barbed wire fencing only in commercial or manufacturing zoning districts. Prospective commercial tenants have expressed a need for security fencing in the SPI-HRCW district. Allowing security fencing in this district is consistent with the policies of the city. Accordingly, approval of this amendment would permit barbed wire fencing in the Special Public Interest-Hampton Roads Center West (SPI-HRCW) district. This amendment is being brought forward in conjunction with Zoning Ordinance Amendment 159-2015.

LEGISLATION TEXT:

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 9 of the City Code of the City of Hampton, Virginia be amended to read as follows:

**Chapter 9 - BUILDING AND DEVELOPMENT REGULATIONS**

....

**ARTICLE VI. - BARBED WIRE**

....

**Sec. 9-210. - Use generally.**

No barbed wire shall be used for the purpose of wholly or partially enclosing any lot or premises within the city, except that barbed wire may be used on top of any wall or fence wholly or partially enclosing any lot or premises in any commercial or manufacturing district or the Special Public Interest – Hampton Roads Center West (SPI-HRCW) district, as defined by the zoning ordinance of the city, and barbed wire may be used on top of any wall or fence wholly or partially enclosing any public school, park or recreational or playground site in any residential, commercial or manufacturing district as defined by the zoning ordinance of the city.

1 **Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by**  
2 **Amending Article VI of Chapter 9 Entitled, “Barbed Wire” Pertaining to Use of Barbed**  
3 **Wire Fencing in the Special Public Interest – Hampton Roads Center West (SPI-HRCW)**  
4 **Zoning District.**

5  
6 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 9 of the  
7 City Code of the City of Hampton, Virginia be amended to read as follows:

8  
9 **Chapter 9 - BUILDING AND DEVELOPMENT REGULATIONS**

10 . . . .

11  
12 **ARTICLE VI. - BARBED WIRE**

13 . . . .

14  
15 **Sec. 9-210. - Use generally.**

16  
17 No barbed wire shall be used for the purpose of wholly or partially enclosing any lot or  
18 premises within the city, except that barbed wire may be used on top of any wall or fence wholly  
19 or partially enclosing any lot or premises in any commercial or manufacturing district *or the*  
20 *Special Public Interest – Hampton Roads Center West (SPI-HRCW) district*, as defined by the  
21 zoning ordinance of the city, and barbed wire may be used on top of any wall or fence wholly or  
22 partially enclosing any public school, park or recreational or playground site in any residential,  
23 commercial or manufacturing district as defined by the zoning ordinance of the city.



City of Hampton, VA

Agenda Review

File Number: 15-0098

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **15-0098**

Request Number: **R-2015-00080**

File Type: **Ordinance - Zoning Text**

Department: **Planning**

Introduced: **3/25/2015**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

---

Created By: **Alison Alexander**

Phone:

Requestor:

Phone:

Presenter: **Jeff Conkle, Deputy Zoning Official**

Phone: **728.5229**

Title: **Ordinance to Recodify the February 1, 1960 Zoning Ordinance, as Amended, by Renumbering and Rearranging the Chapters, Articles, and Sections of the Zoning Ordinance in Order to Consolidate Chapters 1 through 25 into New Chapters 1 through 14 With an Effective Date of June 1, 2015.**

Action Requested: **Approval of the ordinance. (No Public Hearing Required)**

Estimated Time: **15 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Power Point  
Red Line

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Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

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**BRIEF BACKGROUND STATEMENT:**

Approval of this ordinance would renumber and rearrange the chapters, articles, and sections of the zoning ordinance in order to make the ordinance more practical and organized. No substantive change to existing zoning requirements or addition of new material will be made. Virginia Code § 15.2-1433 permits the city to recodify its zoning ordinance without a public hearing when the changes made are not substantive.

The effective date of this recodification is set for June 1, 2015.

LEGISLATION TEXT:

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapters 1 through 25 of the Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

**CHAPTER 1 GENERAL PROVISIONS**

**ARTICLE 1. ADMINISTRATION AND ENFORCEMENT OF ORDINANCE**

**Sec. 1-01. Recodification of Zoning Ordinance.**

The February 1, 1960 Zoning Ordinance, as Amended, is hereby recodified as set forth herein and as authorized by Virginia Code 15.2-1433 with an effective date of June 1, 2015.

**Sec. 1-1. Districts and boundaries.**

For the purpose of this ordinance, the City of Hampton, Virginia, is hereby divided into classes of districts as hereinafter set forth in subsequent chapters.

**Sec. 1-2. Zoning maps.**

The location of boundaries of the particular districts, except the Flood Zone District as set forth in chapter 9, article 4 of the zoning ordinance, shall be as shown on a map entitled, "Zoning District Map, Hampton, Virginia, 1960, as amended," which map is a reference map to be used in conjunction with this ordinance. The said map is a composite of a series of maps, including the noise overlay map depicting the boundaries of the Noise Contour District as set forth in chapter 22, article III of the city code and in chapter 9, article 1 of the zoning ordinance, maps depicting the aircraft accident potential zones, and maps showing a more detailed location of boundaries between districts, said series of maps being entitled, "Zoning District Sectional Maps, 1960, as amended," which aforementioned maps are hereby declared to be a part of this ordinance. The location and boundaries of the various floodplain districts located within the Flood Zone District shall be as shown on a map entitled, "Flood Insurance Rate Map," which map and any amendments thereto as adopted by city council is hereby declared to be a part of this ordinance and shall be used in conjunction with the "Zoning District Sectional Maps" to determine floodplain or flood-prone areas as defined in chapter 9, article 4 of this ordinance. The noise overlay map, the aircraft accident potential zones map, and the original "Zoning District Sectional Maps" and "Flood Insurance Rate Map" shall be filed in the office of the zoning

administrator for more detailed reference.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on said maps, the following rules shall apply:

- (1) With the exception of the flood zones, the Chesapeake Bay Preservation District, the Noise Contour District and the aircraft accident potential zones, the district boundary lines are intended to follow street, lot, or property lines, unless such district boundary lines are fixed by dimensions as shown on the "Zoning District Sectional Maps, 1960, as amended."
- (2) Where such boundaries are so indicated that they approximately follow the lot lines, and are not more than ten (10) feet distant therefrom, such lot lines shall be construed to be such boundaries, unless specifically shown otherwise.

#### **Sec. 1-3. Annexed territory.**

Any territory annexed to the City of Hampton, Virginia, shall be considered as being in the R-13 District until such time as the city council has adopted the zoning district for such territory, in accordance with the requirements of this ordinance.

#### **Sec. 1-4. Use of term "designee."**

Wherever the term director of the department of community development, director of the department of planning, zoning administrator, building code official, director of code compliance, director of the department of public works, director of the department of economic development or director of the department of parks and recreation is used in the zoning ordinance including all chapters thereto, the term shall include their respective authorized designee or designees as applicable.

#### **Sec. 1-5. Land not zoned.**

Any area, other than that dedicated for public streets or alleys, shown on the zoning district map or zoning district sectional maps as not being classified in any district, for all intents and purposes of this ordinance, shall be classified as being in the R-13 District. This regulation shall include all sub-marginal land, water areas, and federally-owned and state-owned land.

#### **Sec. 1-6. - Duties of zoning administrator.**

- (1) This ordinance shall be enforced by the zoning administrator, who shall have all necessary authority on behalf of the city council to administer and enforce the same, including the authority to make findings of fact, in connection with the administration, application and enforcement of the ordinance in specific cases, and in specific cases, with the concurrence of the city attorney conclusions of law regarding determinations of rights accruing under chapter 12, Nonconformities, herein and section 15.2-2311(C) of the Code of Virginia, and further including the ordering in writing or remedying of any condition found in violation of any authority, and the bringing of legal action to insure compliance, including injunction, abatement, or other appropriate action or proceeding subject to appeal. Unless agreed to by the requesting party, any decision or determination of zoning matters shall be made within ninety (90) days of such request.**
- (2) The zoning administrator shall be responsible for determining whether applications for building permits as required by the building code are in accord with the requirements of the zoning ordinance, and no building permit shall be issued without verification that plans conform to the applicable zoning regulations.**
- (3) The zoning administrator shall verify that the plans, specifications and intended use of a lot/parcel of land conform to the applicable zoning regulations before a permit for a land disturbing activity or construction is issued.**
- (4) No person shall use or permit the use of any structure or premises or part thereof hereafter created, erected, changed, converted, enlarged, or moved, wholly or partly, in use or structure, until the zoning administrator has certified in writing that the use of the structure and/or premises and the placement, dimensions and physical attributes of the structure conform to all applicable zoning regulations.**
- (5) Upon written request and the payment of a fee of twenty-five dollars (\$25.00) per residential parcel, the zoning administrator shall issue a zoning certification letter indicating the zoning designation of a particular residential parcel or parcels of land as shown on the official zoning map. All other zoning certification letters shall require a fee of seventy-five dollars (\$75.00) per parcel of land.**

**Sec. 1-7. - Review process for building permits.**

**Prior to the issuance of a building or zoning permit, an application therefor shall be submitted to the zoning administrator for review. Unless waived by the zoning administrator, all such applications shall include:**

- (1) A current physical property survey of the intended development site that is produced and sealed by a professional land surveyor licensed by the Commonwealth of Virginia; and**
- (2) A scaled two-dimensional plan or drawing of the intended development that accurately depicts:
  - (a) The lot/parcel boundaries;**
  - (b) The location, shape and dimensions of all proposed property improvements in relation to all existing on-site property improvements;****

- (c) All adjacent and on-site easements, right-of-way, waterbodies/waterways and resource protection area features;
- (d) The existing and intended use of each building or part of a building;
- (e) The number of families the building is designed to accommodate;
- (f) The location and the number of off-street parking and off-street loading spaces; and
- (g) Such other information with regard to the lot/parcel and buildings/structures as may be necessary to determine and provide for the enforcement of the provisions of this ordinance.

**Sec. 1-8. Site plan exception.**

A site plan that has been approved in accordance with chapter 35.1 of the city code may be accepted by the zoning administrator in lieu of compliance with section 1-7(a) and (b).

**Sec. 1-9. - Copy of plan.**

One (1) copy of the approved application materials shall be returned to the applicant upon issuance of the building or zoning permit.

**Sec. 1-10. - Review process for zoning permit applications.**

Any structure or development exempted from obtaining building permits shall be required to obtain a zoning permit. All applications for such zoning permits shall be accompanied by usable plat plans in duplicate, showing the actual shape and location on the lot of the building or buildings and accessory buildings existing, or to be erected or altered; the existing and intended use of each building or part of a building; such other information with regard to the lot as may be necessary to determine and provide for the enforcement of the provisions of this ordinance; and a nonrefundable application fee of fifteen dollars (\$15.00). One (1) copy of such plat plan shall be returned to the applicant upon issuance of the zoning permit.

No zoning permit shall be issued until any delinquent real estate taxes owed to the City of Hampton on the subject property have been paid, with the exception of applications sponsored by the City of Hampton.

**Sec. 1-11. - Misdemeanor, penalty.**

The owner or general agent of a building or premises where a violation of any provision of this ordinance has been

committed or shall exist, the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist; the owner, general agent, lessee or tenant of any part of the building in which such violation has been committed or shall exist; or the general agent, architect, builder, contractor, or any other person who commits, takes part, or assists in any such violation, or who maintains any building or premises in which such violation shall exist, shall upon conviction thereof, be guilty of a misdemeanor, punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00). However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in one-family residential dwellings shall be punishable by a fine of up to two thousand dollars (\$2,000.00). Failure to abate the violation within the specified time period shall be punishable by a fine of up to five thousand dollars (\$5,000.00), and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of up to seven thousand five hundred dollars (\$7,500.00). However, no such fine shall accrue against an owner or managing agent of a one-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with chapter 13 or chapter 13.2 of title 55 of the Code of Virginia, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in a one-family residential dwelling shall not be punishable by a jail term.

**Sec. 1-12. - Inspection warrants, other actions to prevent violations.**

**The zoning administrator or his agent may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant.**

**The zoning administrator or any other official of the City of Hampton may institute in the name of the city any appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, repair, or conversion of use of any building or structure; or the unlawful use of land, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.**

**Sec. 1-13. - Notification of violations or orders.**

**Any written notice of a zoning violation or a written order of the zoning administrator shall include (i) a statement informing the recipient that he may appeal the notice of a zoning violation or written order within**

**thirty (30) days to the board of zoning appeals; (ii) the applicable appeal fee; (iii) and a reference to where additional information may be obtained regarding the filing of an appeal. Such written notice or order shall be final and unappealable if an appeal is not filed within thirty (30) days of the date of such written notice or order.**

**Sec. 1-14. - Severability of ordinance.**

**If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.**

**ARTICLE 2. REGULATIONS APPLICABLE TO MANY OR ALL ZONING DISTRICTS**

**Sec. 1-15. Prohibitions.**

Except as hereinafter otherwise provided:

- (1) No building shall be erected and no existing building shall be moved, altered, added to, or enlarged, nor shall any land or building be used, designed, or intended to be used, for any purpose or in any manner other than is intended among uses hereinafter listed as permitted in the district in which such building or land is located.
- (2) No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- (3) No building shall be erected, nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.
- (4) No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

**Sec. 1-16. Application of height limitations.**

**The height limitations of this ordinance, except as provided in the Langley Flight Approach (LFA) Districts, shall not apply to any penthouse or roof structure for the use of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, nor shall it apply to spires and belfries in religious facilities, cupolas, domes, monuments, water towers, fire and parapet walls, skylights, steeples, flag poles, chimneys, smoke stacks, poles and utility towers, silos, or similar structures which may be erected above the height limit, provided that no penthouse or roof structure, or any space above the height limit shall**

be allowed for the purpose of providing additional floor space. The foregoing provisions shall not be interpreted to permit a fire or parapet wall to extend more than four (4) feet above the roof.

**Sec. 1-17. Vision clearance of corner lots.**

On any corner lot there shall be no planting, structure, fences, shrubbery, or obstruction from vision more than three (3) feet higher than the curb level, within twenty (20) feet of the intersection of any two (2) curb lines.

**Sec. 1-18. Fence and wall regulations.**

(1) In any R, MD, or RT district, a fence, screen, or wall, or a hedge or thick growth of shrubs or trees may be located and maintained in required yards provided that the height of any such permitted feature not exceed six (6) feet in side or rear yards, and four (4) feet in front yards, or such lesser height as may be prescribed by law. This provision shall not be interpreted to prohibit the erection of an open-mesh type fence enclosing any school or playground site, or landscape features such as trees, shrubs, flowers, or plants, provided they do not produce a hedge effect contrary to the provisions of this section. The use of electrified fences is prohibited except as set forth in section 24-40 of the Hampton City Code.

(2) In the BB-1, BB-2, BB-3, BB-4 and BB-5 districts, the following shall apply:

(a) In a front yard, the minimum height shall be twenty-four (24) inches and the maximum height shall be forty-two (42) inches. Pillars, posts, and gateways may be taller. The height of walls, fences, and hedges may be required to be shorter by other sections of city code for the purposes of increased visibility and safety, such as at street intersections, in such cases, the safety provisions take precedent.

(b) In a rear or side yard, the minimum height shall be thirty-six (36) inches and the maximum height shall be six (6) feet.

(c) In a rear yard on single-family lots adjacent to a rear alley, the minimum setback is five (5) feet.

(d) Permitted material and design shall be the following:

(i) Wood: picket fences with corner posts

(ii) Wrought iron: vertical, five-eighths-inch minimum dimension, four-inch to six-inch spacing

(iii) Brick

(iv) Stone

(3) A fence, screen, wall, hedge, or thick growth of shrubs or trees may be located in any zoning district on vacant property owned by the City of Hampton or a political subdivision of the

commonwealth.

**Sec. 1-19. Corner lots resubdivided.**

Corner lots that are hereafter resubdivided shall conform to the front yard requirements on the street which they originally fronted, in addition to the front yard requirements on the street which they face after resubdivision.

**Sec. 1-20. Semi-detached dwellings and side yards.**

For the purpose of side yard regulations, semi-detached dwellings shall be considered as one (1) building occupying one (1) lot.

**Sec. 1-21. Irregular front yard lines in residential districts.**

- (1) Where a uniform front yard line between two (2) intersecting streets does not exist, then the required front yard line shall be established by projecting a line between the two (2) nearest buildings on each side of the proposed building, and the proposed building shall not project beyond said line; provided, however, that the nearest existing building shall be situated on lots located not further than one hundred fifty (150) feet from the proposed building line.
- (2) Where a lot is of such shape and size that its established building setback line forms an arc, then the minimum lot width may be measured along the chord of such arc and the building may be located at the setback point represented by the chord. Building setback lines greater than thirty (30) feet may be established, provided that the minimum lot width is maintained at the building setback line and all other requirements of the zoning ordinance are complied with. No building shall be located closer to the street than the established building setback line unless the required minimum lot width is maintained.

**Sec. 1-22. Location of building line.**

On lots for which the comprehensive plan proposes a wider right-of-way for an abutting street than currently exists, the following modifications to the building line location shall apply:

- (1) Where a yard or setback requirement exists, that requirement shall be measured from the proposed right-of-way line.
- (2) Where there is no yard or setback requirement, the building line shall not be located nearer to the existing lot line than the proposed right-of-way line.

**Sec. 1-23. Projections allowed in yards.**

- (1) Cornices, eaves, belt course, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required side yard not more than eighteen (18) inches for each five (5) feet of width of such side yard, but not over three (3) feet in any case, nor nearer than three (3) feet to any side lot line, and may extend or project into a required front or rear yard not more than thirty-six (36) inches. Chimneys may project into a required front, side, or rear yard not more than eighteen (18) inches, provided the width of any side yard is not reduced to less than three (3) feet on one (1) side and eight (8) feet on the other.**
- (2) Exterior stairways, when approved, shall be located at the rear of all buildings or structures, unless lawfully required to be located otherwise for use as a fire escape.**
- (3) Any enclosed porch, including screen porches, shall be considered as part of the main building.**
- (4) Terraces, platforms, or landing places which do not extend above the level of the first floor of the building may extend or project into any front, side, rear yard or court not more than eight (8) feet, provided they do not encroach to within three (3) feet of the side lot line.**
- (5) An unenclosed porch with a roof may project into the required front yard a maximum of eight (8) feet but shall be no closer than ten (10) feet to the front property line.**
- (6) On one-family residential, duplex, and fee simple townhouse lots, mechanical equipment, including but not limited to heating, ventilating, and air conditioning equipment and generators, may encroach into the side and rear yard, but shall not encroach more than eight (8) feet and shall be no closer than three (3) feet to the property line. No such encroachment may occur in a yard adjacent to a public street.**

**Sec. 1-24. Accessory buildings or structures.**

- (1) Accessory buildings or structures shall be permitted as described in each zoning district, except for those districts listed in subsections 1-24(2) and 1-24(3) below.**
- (2) In any One- or Two-Family Residential (R) District, the R-M District, the LFA-5 District, and on any fee-simple lot in the MD-4 District, accessory buildings or structures shall be permitted in accordance with all height and setback requirements for primary structures within the zoning district where constructed except as described below:
  - (a) When located in the rear yard.
    - (i) Standard height and setback regulations:******

**Accessory buildings or structures may be located as near as five (5) feet from the rear lot line and as near as three (3) feet to the side lot line provided such building or structure does not exceed one and one-half (1) stories and sixteen (16) feet in**

height.

**(ii) Increased height and setback regulations.**

Accessory buildings or structures may be constructed to a height of twenty-five (25) feet provided they are not nearer than fifteen (15) feet to any side or rear lot line and not nearer than fifteen (15) feet to the primary structure. In no case shall they have any exterior stairways.

**(b) When located on a corner lot.**

No accessory building on a corner lot shall be erected nearer to the street than the requirements herein contained for side yards of corner lots, except an accessory building or structure erected on a corner lot which abuts any interior lot on the side street, then the setback requirements shall not be less than the front yard requirements of the main buildings on the interior lots.

**(3) In any One- or Two-Family Residential (R) District, the R-M District, the LFA-5 District, and on any fee-simple lot in any MD-1, MD-2, MD-3, or MD-4 District, accessory buildings or structures shall not occupy more than twenty (20) percent of the rear yard area.**

**Sec. 1-25. Lighting of parking and other areas and signs.**

When provided, lighting of parking areas or business, residential, or manufacturing or storage areas or structures, and of signs, billboards or poster panels, shall be so designed and arranged as to reflect all light away from all public ways or streets.

**Sec. 1-26. Substandard lots.**

A substandard lot may be developed for residential use provided that it complies with all current development criteria as set forth in the zoning ordinance, city code, and all other applicable laws.

**Sec. 1-27. Through lots and waterfront lots.**

In any One- or Two-Family Residential (R) District, the R-M District, or any Multifamily Residential (MD) District, through lots or waterfront lots shall have a building setback on each street or waterfront as required for front yards. This shall not be interpreted to restrict the location of private piers, or docks on the waterfront side of such a lot.

**Sec. 1-28. Garage and yard sales.**

Garage and yard sales shall be permitted as follows:

**(1)Individual permits:**

- (a)The permit must be secured from the zoning administrator or his designee and accompanied by a non-refundable fee of five dollars (\$5.00);**
- (b)No more than three (3) garage or yard sales shall be permitted during a calendar year at any one (1) location. If, however, the property owner and/or lessee of all the residents at that location change during the calendar year, the new residents may have three (3) garage or yard sales during the remainder of the calendar year;**
- (c)The garage/yard sale shall be limited to a period not to exceed three (3) consecutive days;**
- (d)The permit shall be conspicuously displayed upon the premises during the time of the sale; and**
- (e)The permit may be issued to single-family, duplex, and townhouse dwelling residential structures regardless of the underlying zoning of the location.**

**(2)Community permits:**

- (a)The permit must be secured from the zoning administrator or his designee accompanied by a non-refundable fee of twenty dollars (\$20.00) to cover processing and enforcement and a complete list of participants' names, addresses and signatures which shall be submitted to the zoning administrator's office or his designee;**
- (b)No more than three (3) garage or yard sales shall be permitted during a calendar year;**
- (c)The garage/yard sale shall be limited to a period not to exceed three (3) consecutive days;**
- (d)The permit shall be conspicuously displayed upon the premises during the time of the sale; and**
- (e)The permit shall be issued only to a neighborhood group/association defined as a group of residents or property owners who advocate or organize activities within a neighborhood which may have elected leaders and voluntary dues.**

Religious facilities are exempt from the provisions of this section.

**Sec. 1-29. Renewable energy production systems.**

- (1)Purpose. The purpose of this section is to establish standards and procedures by which the installation and operation of "renewable energy production systems" shall be regulated within the City of Hampton, in order to promote the safe, effective and efficient use of such systems. Unless otherwise defined in this section specific terms shall be defined as set forth in chapter 2 of the zoning ordinance.**

**(2)Applicability.**

- (a)The regulation set forth in this section shall govern the installation and siting of renewable energy production systems used to generate electricity for onsite consumption. Renewable energy production systems may be connected to the utility grid pursuant to Code of Virginia 56-594 governing Virginia net metering laws.**
- (b)Renewable energy production systems shall comply with the regulations set forth in Virginia Administrative Code 20VAC5-315-10 through 20VAC5-315-80. The systems may serve as an independent source of energy or serve in a hybrid system, using complementary systems such as a small wind energy conversion system and solar energy producing system.**
- (c)Renewable energy production systems shall not exceed a rated capacity of 20 kW for residential use and 25 kW for commercial use.**

**(3)Application for "small wind energy conversion systems" ("SWECS").**

- (a)One SWECS per lot shall be permitted in all zoning districts, as an accessory structure, subject to issuance of a use permit, except in the Langley Flight Approach (LFA) Districts wherethey shall be prohibited.**
- (b)In addition to what is required by section 1-7 of the zoning ordinance, the following shall be provided by the applicant for review and approval by the community development department:**
  - (i)Survey of the property showing the proposed location of the SWECS on the property and all applicable setbacks.**
  - (ii)Scaled elevation drawings of the proposed system showing the total height of the structure, including the tower plus the length of the rotor blade at its vertical location, colors and specifications.**
  - (iii)Certification from a licensed professional engineer or certified installer that the support structure of the system will have the structural integrity to carry the weight and wind loads of the small wind energy system.**
  - (iv)The proposed type of wind energy system to be constructed, including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generated capacity, dimensions, rotor diameter, and a description of ancillary functions.**
- (c)The applicant must provide evidence in writing that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.**

**(4)Standards for SWECS. All SWECS must comply with the following requirements.**

- (a)Height.**
  - (i)Under no circumstances shall a freestanding SWECS exceed seventy (70) feet in height.**

(ii) Building mounted SWECS shall be limited to a height of ten (10) feet above the height of the building. Building height shall be determined as defined in chapter 2 of the zoning ordinance.

(b) Setbacks.

(i) The minimum setback for a SWECS from a property line, public right-of-way, or public overhead utility line must be a distance which is at least equal to the total height of the SWECS. Placement in the front yard is prohibited.

(ii) Properties within the Chesapeake Bay Preservation District are subject to article 2 of chapter 9 of the zoning ordinance.

(c) Signs/safety.

(i) Other than safety and warning signs, no signage, flags, streamers, or decorative items shall be attached or affixed to any component of the system except the nacelle, which may have lettering that exhibits the manufacturer's identification.

(ii) Lighting is prohibited unless required by the Federal Aviation Administration ("FAA").

(iii) SWECS shall be equipped with both a manual and automatic braking device capable of stopping the system in high winds or must be designed so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.

(iv) To prevent unauthorized access, each tower mounted SWECS shall not be climbable up to twelve (12) feet above ground.

(d) Noise. When in operation SWECS shall not exceed sixty (60) dB(A).

(e) Color. Unless otherwise required by the FAA, all portions of a wind energy system shall be of nonreflective white, black, galvanized steel, aluminum or other matte-finish color designed to blend with the surrounding environment; provided, however, that blades may be painted black to facilitate deicing.

(f) Maintenance. SWECS must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

(g) Inspection. The city shall have the right upon approving SWECS to inspect the premises on which the wind energy system is located at all reasonable times with permission of the property owner.

(5) Application for solar energy equipment.

(a) Solar energy equipment shall be a permitted use in all zoning districts.

(b) For free standing solar energy equipment, a survey of the property showing the location of the structure on the property and all applicable setbacks will be required.

(6) Standards for solar energy equipment.

(a) Height.

(i) Solar panels may be located on any roof, irrespective of its relationship to the underlying district height limit, up to five (5) feet above the roof surface to adequately access solar energy.

(ii) Free standing solar energy equipment shall be limited to a height of sixteen (16) feet.

(b) Setbacks. Free standing solar energy equipment shall have a minimum rear yard and side yard setback of fifteen (15) feet. Placement in the front yard is prohibited.

(7) Nuisance conditions prohibited.

(a) All SWECS and solar energy equipment must be maintained in good working order by the property owner.

(b) Dilapidated or deteriorated SWECS and solar energy systems will be deemed nuisance structures.

### Sec. 1-30. General green area requirements.

(1) In development of property other than that zoned R-LL, RT-1, MD-1, MD-2, MD-3, MD-4, PO-1, PO-2, DT-1, DT-2, DT-3, HRC-1, HRC-2, HRC-3, BB-1, BB-2, BB-3, BB-4, BB-5, O-CBP and O-CC, and all one-family, two-family and duplex dwellings, a minimum of 10% of the land area of the lot shall be designated as green area for trees, shrubs and turf.

(2) The following criteria shall be met:

(a) No accessory uses or structures except utilities and stormwater management facilities shall be located in a green area.

(b) In any parking area, including drive aisles and drive-throughs regardless of size, a minimum 10 foot green area shall be provided immediately adjacent to any existing or future public right-of-way.

(c) In any parking area containing 30 or more spaces, seven (7) percent of the interior of the parking area shall be reserved and maintained as green area. Each green area within the parking area shall be no less than eight (8) feet wide and contain at least 150 contiguous square feet of green area. This required green area may constitute no more than 33% of the green area required within the parking area as well as counting toward the total green area requirement.

(3) Development sites less than two (2) acres shall comply with the following:

(a) On sites which front upon only one (1) public street, a minimum of 75% of the required green shall be located within the front yard.

(b) On sites which front upon two (2) public streets or proposed rights-of-way, a minimum of 75% of the required green area shall be distributed within the yard areas adjacent to the existing or proposed public rights-of-way; no such area shall contain less than 30% of the requirement, and no less than 20% of the required green area shall be located in each yard fronting upon existing or proposed public rights-of-way.

- (4)Development sites of two (2) or more acres shall comply with the following:**
  - (a)On sites which front upon only one (1) public street, a minimum of 50% of the required green area shall be located within the front yard.**
  - (b)On sites which front upon two (2) public streets or proposed rights-of-way, a minimum of 50% of the required green area and landscaping shall be distributed within the yard areas adjacent to existing or proposed public rights-of-way; no such area shall contain less than 20% of the requirement, and no less than 10% of the required green area shall be located in each yard fronting upon existing or proposed public rights-of-way.**
- (5)Green areas located within any building shall not be credited toward meeting the total green area requirement.**
- (6)Green areas interior to the perimeter of any structure that may serve as a court-yard may be credited toward meeting the total green area requirement.**
- (7)Areas designated as green areas upon the approved site plan, or subdivision plat that are utilized for storage or the display of products shall be considered in violation of the city zoning ordinance.**
- (8)Landscaping within green areas shall comply with the "City of Hampton Landscape Guidelines" or as otherwise proffered or conditioned pursuant to applicable provisions of the city zoning ordinance.**

**Sec. 1-31. Major recreational equipment, parking and storage requirements.**

**The parking or storage of major recreational equipment including, but not limited to, travel trailers, utility trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, amphibious houseboats, or similar equipment normally used for recreational purposes shall be permitted as an accessory use in all residential districts, subject, however, to the following regulations and requirements.**

- (1)Such major recreational equipment shall not exceed twenty-eight (28) feet in length, eight (8) feet in width, and ten (10) feet in height, exclusive of masts, antennas, ventstacks, windshields, or other accessories.**
- (2)Such major recreational equipment shall not be used for living, sleeping, housekeeping, or business purposes, nor shall such major recreational equipment be connected to any utility service, except for temporary periods solely for replenishing supplies, or for the servicing or repair of equipment.**
- (3)Such major recreational equipment shall not be parked or stored in a manner which infringes upon the setback requirements for accessory buildings in the residential district in which the lot is located.**
- (4)Such major recreational equipment shall not be parked or stored in the front yard in any residential district, except that:**

- (a) Such major recreational equipment may be parked in such front yard for a period not to exceed forty-eight (48) hours, for the sole purpose of loading or unloading;
- (b) In the event such major recreational equipment cannot physically be placed within an enclosed garage, or cannot physically be placed in the side or rear yard of a residence without encroaching upon the lands of another, without violating the setback requirements for accessory buildings in the residential district, or without damage to structures or trees, then one (1) such major recreational equipment, or a combination thereof designed to be used and operated as one (1) unit, may be parked or stored on an improved driveway at a point furthestmost from the public street right-of-way, not resulting in physical damage to structures or trees;
- (c) A camper or coach, when loaded upon and entirely supported by, or when structurally a part of, a pickup truck or motor vehicle not exceeding the rated weight of three-fourths ( ) ton which is in operative condition, shall be deemed a part of the motor vehicle and not major recreational equipment, so long as such camper or coach is entirely supported by, or remains structurally a part of, such pickup truck or motor vehicle.

Nothing contained in this section shall be construed to prohibit commercial trailers from loading and unloading in a residential district, or to prohibit the temporary use of a trailer, on site, by a contractor, while construction is in progress.

**Sec. 1-32. Commercial vehicle parking in residential districts.**

- (1) The parking of commercial vehicles on a lot or any adjacent street in any residential district is prohibited, except under the following provisions:
  - (a) One (1) commercial vehicle, not exceeding a height of six (6) feet, four (4) inches, nor a measurement, from the center of the front axle to the center of the rear axle of that vehicle or any attached equipment, of eleven (11) feet, six (6) inches, may be parked on a residential lot or adjacent street, provided said lot is occupied by the person responsible for operating the vehicle.
  - (b) One (1) commercial vehicle, not exceeding a height of six (6) feet, four (4) inches, with a measurement, from the center of the front axle to the center of the rear axle of that vehicle or any attached equipment, between eleven (11) feet, six (6) inches and fifteen (15) feet, seven (7) inches, may be parked on a residential lot, provided it is kept in a garage or behind the rearmost portion of the building on the lot, and further provided said lot is occupied by the person responsible for operating the vehicle.
  - (c) In no case shall a commercial vehicle with a height exceeding six (6) feet, four (4) inches or a measurement, from the center of the front axle to the center of the rear axle of that vehicle or any attached equipment, exceeding fifteen (15) feet, seven (7) inches be permitted to park in any residential property or adjacent street.
  - (d) In no case shall more than one (1) commercial vehicle be parked on any residential lot or adjacent street, except that one (1) specifically exempted commercial vehicle may also be parked on the same lot or adjacent street.

(2)The parking of school buses and buses belonging to religious facilities shall be permitted on any property under the control of the school or religious facility owning the bus, regardless of the zoning of such property.

(3)The parking of commercial vehicles, except for specifically exempted vehicles, in multi-family developments shall require the permission of the management and/or homeowners' association, and shall not occur in parking spaces required by chapter 11 of this ordinance. Such parking shall be limited to those vehicles permitted in subsection (1)(a) above.

**Sec. 1-33. Conversion chart for changes to names of certain zoning districts**

Former name	New name enacted June 1, 2015
MD-T	MD-1
M-4A	LFA-1
M-4B	LFA-2
M-5A	LFA-3
M-5B	LFA-4
M-5C	LFA-5
M-5D	LFA-6
SPI-BBD-SFR	BB-1
SPI-BBD-MR	BB-2
SPI-BBD-OMU	BB-3
SPI-BBD-RMU	BB-4
SPI-BBD-S	BB-5
SPI-HRC	HRC-1
SPI-HRCNC	HRC-2
SPI-HRCW	HRC-3
SPI-OHB	DT-1
SPI-OHW	DT-2
SPI-OHR	DT-3
SPI-PL	PO-1
SPI-B	PO-2
SPI-AA	O-AICUZ
SPI-CBPD	O-CBP

SPI-CC	O-CC
SPI-FZD	O-FZ
SPI-IH	O-IH
SPI-MVC	O-MVC
SPI-PD	O-HP

## CHAPTER 2 DEFINITIONS

### Sec. 2-1. Rules of construction.

For the purpose of this ordinance certain terms and words are herein defined as follows:

- (1) Words in the present tense include the future;
- (2) Words in the singular number include the plural number and words in the plural number include the singular number;
- (3) The words "shall" and "should" are mandatory and not discretionary; the word "may" is discretionary;
- (4) The word "lot" includes the word "plot";
- (5) The word "land" includes the words "marsh" and "water";
- (6) The word "person" shall be held to mean an individual, a firm, a trust, a partnership, a corporation or association;
- (7) Masculine words include the feminine;
- (8) In instances where a specific individual is given authority or responsibility, that authority or responsibility may fall to his designee; and
- (9) Definitions in this chapter apply to the entire ordinance unless stated otherwise herein.

## Sec. 2-2. Definitions.

**Abutting.** Sharing one (1) or more common boundaries or points; contiguous.

**Accessory building or structure.** A subordinate building or structure, clearly incidental, related to, and customarily associated with, the principal building or structure, and located on the same lot as the principal structure. Where any part of the accessory building or structure is attached to the principal building or structure, such accessory building or structure shall be counted as part of the principal building or structure. This term includes temporary family health care structures as provided in VA. Code 15.2-2292.1.

**Accessory dwelling.** A second dwelling unit on a residential lot that has a primary dwelling unit.

**Accessory use.** A subordinate use, clearly incidental, related to, and customarily associated with the principal use of land, and located on the same lot as the principal use. This term includes temporary family health care use as provided in section 15.2-2292.1 of the Code of Virginia.

**Active recreation area.** That portion of the green area provided in townhouse, multiple dwelling, or mixed-use developments that is intended to, and can support physical recreation activities or facilities.

**Adjacent.** Sharing a common boundary or separated by a right-of-way or water body.

**Adult establishment.** Any establishment providing entertainment products or services, such as, but not limited to books and films, and which is only open to persons eighteen (18) years of age or older, and whose products or services are harmful to juveniles. For the purposes of this ordinance, "harmful to juveniles" and its defining terms shall be as defined in title 18.2, chapter 8, article 6 of the Code of Virginia, 1950, as amended.

**Alley.** Public or private minor way used primarily for vehicular access to the rear or side of properties otherwise abutting a street.

**Alteration.** Any act or process that changes one (1) or more of the interior or exterior architectural features of a structure.

**Alternative parking plan.** A proposal by an applicant to comply with the intent of chapter 11 of the zoning ordinance, through some means other than strict compliance with the standards of that section.

**Amusement center.** Any establishment whose principal source of income is derived from access to coin-operated amusement machines.

**Arterial street.** Public rights-of-way used primarily for fast or high volume traffic; for efficient, safe and direct connection to, and separation of, neighborhoods; for circulation to destinations outside the residential area.

**Balcony.** A platform projecting from the wall of an upper story, supported by brackets, columns or cantilevered out, with or without a roof, and enclosed by a railing or balustrade, with an entrance from the building.

**Bed and breakfast.** A building or portion thereof containing not more than nine (9) sleeping rooms, in which room and board or room are offered to transient residents.

**Best management practices (BMPs).** Schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

**Big box retail.** A business established and engaged primarily in retail activities and located in a standalone building of fifty thousand (50,000) square foot in size or larger, where the primary user occupies at least ninety (90) percent of that square footage.

**Boarding house.** A building or premises, or portion thereof, where lodging and meals are offered for compensation to five (5) or more nontransient residents.

**Boathouse.** An accessory structure constructed either wholly or partially over a body of water and designed exclusively for the storage and/or the covering of recreational watercraft.

**Body piercing establishment.** An establishment where the act of penetrating skin to make a hole, mark, scar, generally permanent in nature is conducted, except that the use of a mechanized, pre-sterilized piercing system that penetrates the outer perimeter or lobe of the ear, or both, is not body piercing.

**Boundary line adjustment.** The process where the location of a zoning district boundary, or other demarcation is shifted on the official zoning district map by the zoning administrator.

**Brewery/distillery.** A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, on- or off-premises, with production capacity of more than 15,000 barrels per year for breweries or 20,000 gallons per year for distilleries.

**Buffer area.** An area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

**Buildable acreage.** That portion of the total acreage of a lot or property (specifically excluding tidal wetlands and the area of existing ponds, lakes, rivers, streams or other impounded water bodies) that can adequately support physical improvements, used to determine the maximum number of dwelling units in townhouse, multiple dwelling and mixed-used developments.

**Building.** A structure having a roof supported by column or walls for the shelter, support or enclosure of persons, animals, or movable personal property. When separated by fire walls from the ground up without openings, each portion of such building shall be deemed a separate building.

**Building addition.** Any walled and roofed expansion to the perimeter of a building, either horizontally or vertically, connected by a common wall.

**Building elevation.** The external faces of a building; also referred to as a faade.

**Building front.** The wall of a building most nearly parallel with and adjacent to the front property line.

**Building height.** The vertical distance, measured from the final surveyed grade at the time of building permit issuance to (a) the highest point of the roof surface, if a flat roof; (b) to the deck line of a mansard roof; and (c) to the mean height level between eaves and ridge for a gable, hip, or gambrel roof, as diagrammed below. If built on a terrace, the allowable building height may be increased by the height of the terrace, but this increase shall not exceed five (5) feet. For principal structures subject to the provisions of Chapter 9, Article 4, the vertical distance shall be measured from the design flood elevation.

**Business center/shopping center.**

A collection of two (2) or more buildings connected to each other by means of common walls;

A single building containing two (2) or more separate establishments or business spaces;

Two (2) or more establishments sharing parking;

Two (2) or more establishments under the same management or association for the purpose of enforcing reciprocal agreements controlling management or parking; or

Two (2) or more establishments all structurally designed in an integrated fashion around or along the sides of a promenade, walkway, concourse or courtyard.

**Carnival.** An itinerant group of persons and equipment primarily in the business of furnishing entertainment, in the combined form of gaming devices, side shows, and riding devices, operated independent of any local facility, commercial establishment, or non-profit organization.

**Chesapeake Bay Review Committee.** The decision making body responsible for hearing requests for relief to the O-CBP regulations and deciding O-CBP boundary disputes; composed of the director of the department of community development, the zoning administrator, the director of public works, the building official, and the chair of the wetlands board or his designee.

**Clearing.** Any activity that removes the vegetative ground cover, including but not limited to the removal of root mat or topsoil.

**Coin-operated amusement machine.** Any machine, activated by insertion of a coin or token, providing active or passive recreation, amusement, or entertainment, access to which is not legally restricted on the basis of age; except that this term shall not include jukeboxes, vending machines or coin-operated pool tables in a pool hall.

**Coliseum Central Design Review Committee (CCDRC).** A committee composed of three (3) city representatives chosen by the director of the department of community development and three (3) community representatives (with one (1) alternate) chosen by the Coliseum Central Business Improvement District Board, or its successor; the community representatives do not have to be members of the board.

**Collector street.** Right-of-way carrying traffic from minor collector streets and residential streets to the major system of arterial streets.

**Commercial building-mounted antenna.** Any structure affixed to a building that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, for use by any commercial (for profit) enterprise. For the purpose of this ordinance, antenna used to support two-way radio communication between a main commercial user and vehicles used in the operation of that use and antenna used to support public utility equipment are not considered commercial building-mounted antenna.

**Commercial communication tower.** Any structure erected on a lot or attached to another structure that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves, for use by any commercial enterprise.

**Commercial garage.** Any structure owned and operated by a private entity, but open to the public, where vehicles are parked for a fee. This shall not be interpreted to apply to garages built and used solely in conjunction with hotels.

**Commercial parking lot.** Any parcel owned and operated by a private entity, but open to the public, where vehicles are parked for a fee.

**Commercial vehicle.**

Any vehicle used in the conduct of a business or government function with such identification thereon;

Any vehicle registered as a commercial or government vehicle, such as step vans, tow trucks, pickup trucks, etc., but not including automobiles, station wagons, and buses used for the transportation of students (public and private schools); or

Any vehicle, regardless of use, identification or registration, with a registered gross weight of twelve thousand (12,000) pounds or more.

**Communication tower height.** The distance measured from the highest point of any tower to the ground directly beneath that highest point; except, that if a noncommercial tower is attached to a building, the height shall be measured to the floor of the first floor level of the building, or if a noncommercial tower is attached to the roof of a building, the height shall be measured from the roof to the highest point of the tower.

**Community garden.** The cultivation of fruits, flowers, vegetables, and/or ornamental plants by more than

one (1) person for non-commercial purposes.

**Comprehensive plan.** A document and all related materials embodying a coordinated plan that has been prepared by the planning commission and adopted by the city council for the physical development of the city, or any master plans, being portions of the comprehensive plan, prepared for the physical development of the city that designate, among other things, plans and programs to encourage the most appropriate use of land, lessen congestion throughout the city, and safeguard and promote the interests of public health, welfare and safety.

**Conceptual plan.** A sketch, drawing or other representation of a plan for development that carries no vested rights or obligations on any party.

**Conditional use.** A use that requires special, unusual, or extraordinary but reasonable limitations tailored to the use on a specific site in order to mitigate adverse impacts to public health, safety and welfare on surrounding properties and protect the public interest and integrity of the comprehensive plan.

**Contiguous.** Sharing one (1) or more common boundaries or points; abutting.

**Continuing care retirement community.** A development that may include any combination of independent residential units, assisted living units, and nursing home rooms, for residents fifty-five (55) or older or disabled individuals.

**Control measure.** Any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

**Copy.** Any letter, symbol, or combination of these, located on the face of a sign that can be seen from the street or right-of-way.

**Corner lot.** A lot abutting on two (2) or more streets at their intersection.

**Dance hall.** Any place open to the general public, where dancing is permitted, to which an admission fee is charged, or for which compensation in any manner is received either directly or indirectly by cover charge or otherwise, or where refreshment or food or any form of merchandise are sold before, during, or after dancing; provided, however, that a restaurant licensed under section 4.1-210 of the Code of Virginia, to serve food and beverages and having a dance floor with an area not exceeding ten (10) percent of the total floor area of the establishment, shall not be considered a dance hall. Private clubs are excluded from this definition provided attendance at a dance is limited to bona fide members of such club and bona fide guests of such members; however, if tickets to dances held by or at a private club are sold or given to the general public, then the club shall be classified as a dance hall.

**Day care.** Any facility receiving children or adults for care limited to less than twenty-four (24) hours per day per client. Three (3) categories shall be established based on the number of children or adult clients, exclusive of any children or adults living in a residence:

Day Care 1 (DC1) No more than five (5) clients in an occupied, detached, one-family dwelling;

Day Care 2 (DC2)Six (6) to nine (9) clients in an occupied, detached, one-family residence; and

Day Care 3 (DC3)Ten (10) or more clients in an occupied, detached, one-family residence or the care of any number of clients in any place other than an occupied, detached, one-family residence.

**Demountable prefabricated building.** A building erected in panel sections that can be dismantled and re-erected in sections.

**Demolition.** Any act or process that destroys, in whole or in part, structures or objects.

**Design guidelines.**

For the purposes of O-HP, the set of appropriate activities, adopted by the preservation district review board, that will preserve the historic and architectural character of the property within the boundaries of the O-HP; or

For all other purposes, a set of discretionary statements that guide development to achieve a desired level of quality for the physical environment, whether developed for a specific zoning district or as part of a specific zoning action.

**Detention facility.** Any governmental facility which houses persons who have been arrested, charged or convicted of a crime, including but not limited to jails and juvenile detention facilities, but not including prisons or correctional facilities operated by state or federal government.

**Development.** Any man-made change to improved or unimproved real estate including, but not limited to, structures, utilities, mining, dredging, filling, grading, paving, excavation or drilling operation, or any land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

**Dormitory.** A structure devoted to housing of regularly enrolled students of a college or university that contains lodging units or sleeping rooms and may contain a common kitchen and dining facility for the occupants, operated by an agent of the affiliated college or university.

**Downtown.** The area including the Central Business District and adjacent residential areas composing the DT Districts.

**Duplex unit.** One (1) of the two (2) dwelling units contained in a duplex dwelling.

**Duplex dwelling.** A type of multi-family structure containing two (2) dwelling units attached by a common vertical fire-resistant wall, with each unit on a separate fee-simple lot.

**Dwelling.** A building or portion thereof designated or used exclusively for residential purposes.

**Dwelling area.** The gross heated floor area of a dwelling unit, exclusive of any hallways between units.

**Dwelling unit.** A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.

**Encroachment.** Any improvement that intrudes into a required setback, buffer area, or protected open space.

**Environmental site assessment.** A physical survey of the site or parcel that is prepared and certified as complete and accurate by a licensed professional engineer, land surveyor, architect or landscape architect licensed to do business in the state of Virginia; drawn at a scale of not less than 100 feet to the inch on a print not greater than 24 inches by 36 inches to clearly delineate with labels the components of the RPA, RMA, IDA and buffer area on and adjacent to the development site and the geographic extent and classification of all wetland areas on and contiguous to the site or parcel; and shall specifically include the boundaries of the following RPA features: (i) tidal wetlands, verified by field survey; (ii) non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; (iii) tidal shores; and (iv) a buffer area as set forth in chapter 9, article 2 of the city zoning ordinance. The geographic extent and classification of wetland areas shall be the result of a recent physical survey, and in the case of non-tidal wetlands, a field delineation that is consistent with the procedures specified in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987, as amended".

**Extended stay hotel.** A facility offering lodging accommodations to the general public for compensation having ten (10) or more sleeping rooms all containing kitchen facilities, a lobby, clerks desk or counter for guest registers and records, and which may also include additional accessory services such as meeting or restaurant space. For the purpose of this definition, kitchen facilities shall include a sink separate from the bathroom sink, a range or cooktop, and a refrigerator.

**Faade.** The outside face of a building; building elevation.

**Faade zone.** A fixed width along the property line abutting a right-of-way within which a portion of the building faade must be located.

**Family.**

An individual living alone in a dwelling unit; or

Any of the following groups of persons living together and sharing living areas in a single dwelling unit:

Two (2) or more persons related by blood, marriage, adoption or approved foster care;

A group of not more than four (4) persons (including servants) who need not be related by blood, marriage, adoption or approved foster care;

Day Care 1;

Group Home 1; or

A group of not more than two (2) adults who need not be related by blood or marriage, and the children of each of the two (2) adults.

**Fee-simple lot.** A lot created within the project property lines of a townhouse or multiple dwelling development, or manufactured/mobile home subdivision for individual ownership, or any lot of record.

**Flag lot.** A lot connected to a public right-of-way by a narrow strip of land (the "flagpole" or "panhandle") that does not meet the required minimum frontage standards.

**Flammable liquids.** Any liquid having a flash point below two hundred (200) degrees F and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute). (Further data on flammable liquids can be found in the Fire Prevention Ordinance Code.)

**Flea market.** An area for the open air retail sales of new and/or used merchandise, where space is provided to individual vendors.

**Front yard.** A yard extending across the full width of the lot and lying between the nearest building line and the front lot line or proposed right-of-way line.

**Garage or yard sale.** The on-site sale of tangible personal property belonging to the owner or occupant of such property.

**Gas station.** Any structure, premises, enclosure, equipment, or space used for the dispensing or sale of any gasoline or oils, or other type fuels for motor vehicles.

**Green design.** An integrated framework of design, construction and operational practices that encompassed the environmental, economic and social impacts of buildings; green building practices recognize the interdependence of the natural and built environments and seek to minimize the use of energy, water and other natural resources and provide a healthy, productive indoor environment.

**Gross density.** The allowable number of dwelling units per gross acre of land proposed for development.

**Group home.** A residential facility in which individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, as residential occupancy by a single family licensed by the Virginia Department of Behavioral Health and Developmental Services. For the purposes of this subsection, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in the Virginia Code, as amended.

This term also includes a residential facility in which aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family licensed by the Virginia Department of Social Services.

Two categories shall be established based on the number of residents and exclusive of resident counselors:

Group Home 1 (GH1) No more than eight (8) residents;

Group Home 2 (GH2) Nine (9) or more residents.

**Halfway house.**

Any residential facility for individuals suffering from drug or alcohol abuse while they are undergoing rehabilitative treatment; such treatment shall not include detoxification; or

Any residential facility, operated or used by the Virginia Department of Corrections or the Federal Bureau of Prisons for the temporary care of adults on probation or parole.

**Heliport.** Landing and take-off facility for a helicopter that may have fueling facilities.

**Home occupation.** Any occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly or in part within a main building or accessory building by a member of the family who resides on the premises. The term expressly excludes (i) auto repair or service operations for vehicles other than the owner/occupant's personal vehicle(s); (ii) motor vehicle display for purposes of sale or lease other than the owner/occupant's personal vehicle; (iii) animal boarding facilities; (iv) machine shop/metal working; and (v) body piercing and/or tattooing operations.

**Homeowners' association.** A private non-profit association organized by the developer of a development in which individual owners share common interest in open space and/or facilities and are in charge of preserving, managing and maintaining the common property, and enforces improvements or other certain covenants and restrictions; also known as a property owners' association.

**Hotel.** A facility offering transient lodging accommodations to the general public for compensation and having ten (10) or more sleeping rooms, that may also have additional accessory services, such as meeting rooms, restaurants, and recreational activities. For the purpose of this definition, the term transient shall mean occupancy for periods of not more than 30 days unless permitted by Chapter 16.1 of the City Code.

**Housekeeping unit.** A dwelling unit organized as a single entity in which residents share common kitchen facilities and have access to all parts of the dwelling unit.

**Impervious surface.** A surface compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-pervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roads, sidewalks, parking lots, and other similar surfaces. Other surfaces such as gravel, dirt or a mixture of materials that are regularly used for vehicle access, parking or storage shall also be considered impervious, if there is inadequate vegetative cover to affect the rate of stormwater infiltration.

**Infill lot.** Platted vacant lots as of January 12, 2000, in residential zoning districts.

**Intensely developed area (IDA).** A portion of the O-CBP District, delineated within the resource protection area on the Chesapeake Bay Preservation District map, where development is concentrated and little of the natural environment remains.

**Interconnected wind energy system.** A wind energy system which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.

**Interior lot.** A lot other than a corner lot.

**Juvenile residence.** A residential facility for juveniles which houses five (5) or more residents, but which does not include orphanages, shelters, detention facilities, group homes or halfway houses, as defined in this ordinance.

**kennel.** The breeding, training, renting, selling and/or boarding of more than two (2) dogs or two (2) cats over the age of four (4) months.

**Learning/tutoring center.** A commercial establishment offering educational counseling and tutoring for a fee.

**Live entertainment.** Any artistic, musical or theatrical performance, including but not limited to, karaoke, open-microphone, live vocal or instrumental music, recorded music with a disc jockey (DJ), play, stand-up comedy, dance act, magic, poetry reading, reenactment, cabaret, or any combination thereof, performed by one (1) or more persons, whether or not they are compensated for the performance, in a privately owned premises that is open to the public, whether or not admission is charged.

**Live/work dwelling.** A type of mixed-use building where the first floor is used for nonresidential activity and the upper floor(s) are used for residential activity, and the two (2) uses have separate entrances; the resident of the upper floor need not be the operator of the nonresidential use below.

**Loading space.** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of vehicles while loading or unloading merchandise or material that has access to a street, alley, or other appropriate means of ingress and egress.

**Lot.** A parcel of land recorded in a deed or on a plat of record, and fronting on and having access to a public right-of-way, unless otherwise allowed by this ordinance; a lot may include parts of, or be a combination of abutting lots; for the purposes of townhouse and multiple dwelling development, the lot shall be that land enclosed by the project property lines, as defined herein.

**Lot depth.** The mean distance between front and rear lot lines, reduced by any adopted right-of-way line in the comprehensive plan overlapping the front or rear of the lot.

**Lot width.** The distance between the side lot lines, measured at right angles to the depth at a point midway between the front and rear lot lines, as reduced by any adopted right-of-way line in the comprehensive plan overlapping a part of the lot. In the case of irregularly shaped lots, the distance between the side lot lines shall be measured at the front setback line.

**Manufactured home.** A structure subject to federal regulation, that is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built with a permanent

chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

**Manufactured home park.** A development where all manufactured/mobile home sites and any common area are under the ownership of one (1) entity and the lots are rented to individuals for the siting of manufactured/mobile homes. The ownership of the individual units within the development shall not affect this designation.

**Manufactured home subdivision.** A development where all manufactured/mobile home sites are fee-simple lots, all dwelling units are attached to permanent foundations, and any common area within the development is under the ownership of a homeowners' association. All manufactured/mobile homes within the subdivision shall be under the ownership of the person or entity owning the lot on which the unit is located.

**Maximum extent practicable.** A situation where no feasible or practical alternative exists, as determined by the city official responsible for administering the permit approval, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant; economic considerations may be taken into account but shall not be the overriding factor.

**Micro-brewery/distillery/winery.** A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, on- or off-premises, with production capacity of not more than 15,000 barrels per year for micro-breweries or 20,000 gallons per year for micro-distilleries and micro-wineries.

**Mid-block.** The interior of a block not abutting a right-of-way.

**Minor collector street.** Right-of-way carrying traffic from residential streets to collector streets; may include the principal entrance streets for major circulation within a residential development.

**Mixed-use structure.** Any structure containing uses from two (2) different use groups.

**Multi-family dwelling.** A dwelling containing two (2) or more dwelling units.

**Nacelle.** The structure which houses all of the generating components, gearbox, drive train and other mechanical components of a wind energy system.

**Net density.** The allowable number of dwelling units per buildable acre of land proposed for development.

**New development.** For purposes of the O-CC District only, any physical improvement to land that, at the time of site plan submission, contains no structures, or any physical improvement to land that, at the time of site plan submission, contains structures that will be removed or destroyed by the proposed development to the point that exceeds seventy-five (75) percent of the current replacement value.

**Noncommercial communication tower.** Any structure erected on a lot or attached to another structure that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves for governmental or private/nonprofit use, to include amateur radio operations

licensed by the Federal Communications Commission.

**Nonconforming lot.** A lot that does not comply with the dimensional standards that apply in the zoning district where the lot is located, but was permissible under previous provisions of this ordinance or predates this ordinance.

**Nonconforming structure.** A structure or portion of a structure that does not conform to the regulations and restrictions prescribed for the district where the structure is located, but was permissible under previous provisions of this ordinance or predates this ordinance.

**Nonconforming use.** A use that does not conform to the regulations and restrictions prescribed for the district where the use is located, but was permissible under previous provisions of this ordinance or predates this ordinance.

**Nonpoint source pollution.** Pollution consisting of sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agricultural and urban land development and uses.

**Nontidal wetlands.** Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency and the Army Corps of Engineers, pursuant to enforcement of section 404 of the Federal Clean Water Act.

**Nursing home.** Any facility or any identifiable component of any facility licensed by the state board of health in which the primary function is the continuous provision of nursing services and health-related services for the treatment and inpatient care of four (4) or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities, assisted living and nursing or nursing care facilities.

**Official zoning district map.** A composite map incorporating a series of smaller sectional and specific maps that designate the location, boundaries and extent of the various zoning districts and properties subject to conditions established in this ordinance; the official zoning district map is located and maintained in the office of the zoning administrator.

**One-family dwelling.** A structure on a single lot designed as a residence for one (1) family, as defined herein.

**Open space.** A parcel of land or an area of water or combination thereof, designated and limited within a development site as being intended for the recreational use (passive and active) and enjoyment of the residents. Open space shall not include streets, alleys, off-street parking or loading areas, or other facilities dedicated as either private or public right-of-way.

**Outdoor material storage.** The open air stockpiling of any materials, for use on- or off-site, or for sale, to include, but not be limited to, sand, gravel, pipe, concrete block, the trailers from tractor trailers and/or freight containers (portable, weather-resistant receptacle designed for and used in multi-modal shipment of

goods, wares, or merchandise, including receptacles originally designed for the transport of goods but not currently used for such purposes); but not to include equipment or vehicle storage.

**Owner.** The person vested with the fee ownership or legal title of property; or the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, or lessee having a lease of at least thirty (30) years.

**Parking lot.** Any premises, or space, except such as are defined as a commercial garage, used to park vehicles in compliance with all applicable parking provisions of this ordinance.

**Parking space.** Space provided for vehicular parking outside the dedicated right-of-way.

**Pedestrian level.** The area eight (8) feet to fifteen (15) feet high, measured from the base of the building, along a right-of-way.

**Physical recreational amenity.** Those structures or facilities used primarily for recreation, such as, but not limited to, clubhouses, pools, tennis courts, tot lots and play equipment.

**Plan of development.** For the purposes of the O-CBP District, process for site plan, subdivision plan, or construction plan review to ensure compliance with O-CBP prior to any clearing or grading of a site or the issuance of a building permit.

**Plat.** A document, prepared by a registered surveyor or engineer that delineates property lines and shows monuments and other landmarks for the purposes of identifying property.

**Porch.** Any gallery, veranda, terrace, piazza, portico or similar projection from the main wall of the building covered by a roof and having no side enclosures other than screens or rails.

**Portable storage container.** A portable, weather-resistant receptacle with storage capacity in excess of one hundred fifty (150) cubic feet, designed and used for the storage or shipment of household goods, wares, building materials or merchandise.

**Portico.** A roofed space at the entrance to a building, whether protruding from or receding into the building.

**Primary access.** That entry point into a building articulated in such a way as to appear to be the main entrance/front door; in multi-family buildings, this entrance is used to access a central hallway or foyer from which individual units are accessed.

**Principal structure.** The structure containing the principal use of the lot on which it is situated.

**Principal use.** The main or primary use of a building or lot.

**Private club or lodge** (includes fraternal or trade organizations). Buildings and facilities owned or operated by a corporation, association, person or persons for social, service, educational, or recreational purposes of the members and their guests.

**Private garage.** A detached accessory structure used to park vehicles of occupants of the premises, except that one (1) space may be used for the vehicle of persons not residents of the premises.

**Private street.** A street or right-of-way built and maintained by a private person that may or may not be open to use by the general public.

**Proffer.** A statement submitted by an applicant listing the proposed proffers or conditions associated with an amendment to the official zoning district map.

**Project property line.** The boundaries of an entire multi-family, townhouse, or mixed-use development.

**Promotional events.** Any open air event with the primary purpose of promoting and advertising a commercial establishment or group of establishments or functioning as a fund raising event for a non-profit organization including, but not limited to, small mechanized or animal rides, displays, exhibits, sporting events, give-aways, contests, or any similar events or combinations thereof.

**Public street.** Any dedicated and accepted right-of-way, fifty (50) feet or more in width, or any right-of-way of lesser width that have been dedicated and accepted prior to the adoption of this ordinance.

**Rear yard.** A yard extending across the full width of the lot and lying between the nearest line of the building and the rear lot line or proposed right-of-way line.

**Recreational vehicle.** A travel trailer, camper, coach, motorized dwelling, pickup camper, coach, converted bus, tent trailer or similar device used as a portable residential dwelling, boat, and amphibious houseboat, and any utility trailer used for transporting any of the above named vehicles, whether occupied by such vehicle or not.

**Redevelopment.**

The process of developing land that has been previously developed;

For the purposes of the O-CBP District, the process of redevelopment shall result in the same or a lesser amount of impervious surface.

**Religious facilities.** Places of religious worship such as churches, synagogues, mosques, temples, fellowship halls, etc., or similar places and their appurtenant uses.

**Residential streets.** Rights-of-way used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.

**Resource management area (RMA).** That component of the O-CBP District that is not classified as the resource protection area. The RMA is comprised of land that is contiguous to the variable width buffer for a distance of one hundred (100) feet in the landward direction.

**Resource protection area (RPA).** That component of the O-CBP District comprised of lands adjacent to

water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or that are sensitive to impacts which may result in significant degradation to the quality of state waters. Resource protection areas include tidal wetlands; non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; tidal shores; and, a variable width buffer area not less than one hundred (100) feet in width. The variable width buffer area shall be located adjacent to and landward of the components listed above and along both sides of any water body with perennial flow. The buffer area shall be designated as the landward component of the RPA notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing in compliance with O-CBP.

**Right-of-way.** Every way, lane, road, street, and boulevard and every way or place in the city open as a matter of right to public foot or vehicular travel, regardless of ownership.

**Rooming house.** A building or premises where lodging is offered for compensation to five (5) or more nontransient residents.

**Rotors.** In a wind energy system, it is the blade and hub assembly of a wind generator.

**Rummage sale.** Sale of tangible personal property conducted by a corporation, trust, religious organization, association, community chest, fund, or foundation organized and operated for religious, charitable, scientific, literary, community, or educational purposes.

**Salvage or wrecking.** The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Satellite earth stations (or dish antennas).** An accessory structure comprised of the combination of (1) antenna or dish antenna whose purpose is to send and/or receive communication or other signals from orbiting satellites and/or other extraterrestrial sources; (2) a low noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; (3) a coaxial cable whose purpose is to carry the signals into the interior of the building.

**Service station.** Any structure, enclosure or premises used for the repairing and servicing of motor vehicles when outdoor vehicle storage is restricted to designated paved parking spaces and limited to sixty (60) days for vehicles not used in the operation of the station.

**Setback.** The prescribed distance between the edge of an improvement (structure, parking lot, etc.) and the respective property line (front, rear or side), creating a yard.

**Shelter.** Any facility providing temporary or emergency housing for individuals in need, including facilities for the homeless and/or victims of abuse or neglect.

**Side yard.** A yard extending from the front yard to the rear yard, or to the respective lot line if no such yard exists, and lying between the nearest line of the building and the side lot line or proposed right-of-way line.

**Sign.** Any structure, wall fixture, placard, or other object using graphics, symbols and/or written copy designed specifically for the purpose of providing information or identifying any establishment, product,

goods or services. The following terms and their definitions apply to the sign regulations in this ordinance:

**Abandoned nonconforming sign**A sign identifying or advertising a business for which the sign was erected where the business has not be [been] in operation for at least two (2) consecutive years.

**Banner**A sign intended to be hung on a frame, possessing characters, letters, illustrations or ornamentals applied to plastic or fabric, excluding official flags and emblems of political, professional, religious, educational or corporate organizations.

**Business center/shopping center sign**A freestanding or wall sign that serves to identify a business/shopping center.

**Construction sign**A freestanding sign giving the name or names of the principal contractors, architects, lending institutions or other firms, and information related to the construction and marketing of the site.

**Directory sign**A freestanding or wall sign designed to provide on-site direction to establishments within a shopping center/business center and containing copy not legible from any public right-of-way.

**Discontinued sign**A sign identifying or advertising an establishment where the establishment has not operated for a period of at least ninety (90) consecutive days.

**Establishment**For the purposes of signage only, any business, institutional, professional or religious entity which provides products or services, or any apartment, condominium, cluster home, townhouse for sale, or similar project. Only an entity which occupies a separate business space which is enclosed by walls and accessed and secured separately will be considered a single establishment. Any apartment, condominium, cluster home, townhouse for sale or similar project under single management or association will be considered a single establishment unless located on non-contiguous lots, in which case each non-contiguous grouping will be considered a separate establishment for purposed [purposes] of this ordinance.

**Exposure**Any face of a building and the lot area between that face and its corresponding property line.

**Festoons**A string of ribbon, tinsel, small flags, pennants, pinwheels, or similar devices.

**Freestanding sign**A sign that is permanently attached to the ground and not attached to or supported by a building; a sign attached to a surface such as a fence or a wall that is not a structural part of a building (except a roof-like structure); a freestanding sign shall not contain two (2) or more noncontinuous broken planes or geometric shapes, unless supported by a single column or surface.

**Ground-mounted sign**A type of freestanding sign with a continuous vertical plane extending from the ground to the top of the sign.

**Illegal sign**A sign that does not meet the requirements of this ordinance and has not received legal

nonconforming status.

Menu boardA freestanding or wall sign designed as an outdoor means to communicate, in a manner not legible from any public right-of-way, offerings of food and beverages for drive-in and drive-thru service.

MuralA painted scene or other type of graphic that does not contain any copy and does not provide information concerning the establishment or any product, good or service offered by the establishment.

Nonconforming signA sign that does not conform to the regulations and restrictions prescribed for the district where the sign is located, but was permissible under previous provisions of this ordinance or predates this ordinance.

Off premise advertising signA permanently attached, freestanding sign that directs the attention of the general public to a business, service or activity not conducted or a product not offered or sold upon the premises where the sign is located.

Permanently attached signA sign rigidly attached by bolting, welding, molding, nailing, concrete, or similar mechanisms to a support installed below the surface grade of the lot.

Political signA freestanding or wall sign providing information relating to a local, state or national election.

Public directory or information signFreestanding signs provided by the city or its assigns, located on public rights-of-way, intended to provide direction or information to major public facilities, events, and private establishments, and signs identifying neighborhoods, single-family subdivisions, or townhouse, multi-family or mixed-use developments, located at the entrances to such developments.

Real estate signA freestanding or wall sign providing information concerning the rent, lease or sale of only the real estate upon which it is located, including the name of the realtor and listing agent and their contact information.

Sign areaThe larger of that area bounded by the outer extremities of all letters, figures, characters, and delineation, or the outer extremities of the framework or background of the sign; the sign area for a freestanding sign shall be contained in a continuous, unbroken plane or geometric shape. The support for the sign background, whether it be columns, a pylon, a building, or part thereof, shall not be included in the sign area and shall not be used to provide information or identification. When two (2) sign faces are parallel, back to back, continuously enclosed, and not more than thirty-six (36) inches from each other, only one (1) face shall be included in the computation of the sign area; otherwise each sign face shall be included in the computation of sign area.

Sign faceAny side of a sign providing information or identification.

Sign heightThe vertical distance measured from the surface grade of the lot to the highest point of the

sign.

**Wall sign**A sign attached to, erected, or painted on the outside wall of a structure, or which extends from a building wall.

**Window sign**A sign that is attached to, or located behind a window that exceeds thirty-three (33) percent of the window area.

**Silviculture.** The bona fide production or harvesting of trees for sale.

**Skateboard ramp.** A recreational facility consisting of grid boxes, quarter pipes, half pipes, grind rails, fun boxes, fly boxes, decks or ramps used for skateboarding.

**Small wind energy conversion system (SWECS).** Any wind turbine or wind charger that converts wind energy into electricity, including rotors, generators, towers and associated control or conversion electronics that has a maximum power of at most twenty-five (25) Kw which will be used to reduce on-site consumption of utility power.

**Solar energy equipment (solar panel).** A panel designed to absorb and convert the sun's rays into usable forms of energy.

**Stormwater.** Precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

**Structure.** Anything constructed or erected, requiring location on or in the ground, or attached to something having location on the ground.

**Substandard lot.** A lot that does not meet the dimensional standards of the zoning district in which it is located, but met the requirements in effect at the time the lot was recorded.

**Tattoo parlor.** Any establishment placing designs, letters, scrolls, figures, symbols or any other mark upon or under the skin of any person with ink or other substance resulting in the permanent coloration of the skin, including permanent makeup or jewelry, by the aid of needles or any other instrument designed to touch or puncture skin, except when performed by a medical doctor, veterinarian, registered nurse or other medical professional licensed pursuant to title 54.1 of the Code of Virginia in the performance of professional duties. Such establishment may also perform body piercing.

**Through lot.** A lot having frontage on two (2) approximately parallel streets.

**Tidal shore or shore.** Land contiguous to a tidal body of water between the mean low water level and mean high water level.

**Tidal wetlands.** Vegetated land lying between and contiguous to mean low water and an elevation above mean low water equal to the factor of one and one-half (1) times the mean tide range, or nonvegetated land lying contiguous to mean low water and between mean low water and mean high water.

**Timeshare dwelling.** Any dwelling unit that is owned by a group of owners, each having a limited share in the use of the unit (normally by week or month).

**Total wind energy system height.** The vertical distance measured from the ground at the base of a tower or pole mounted wind energy system mounting system tower to the uppermost vertical extension of any blade or to the maximum height reached by any part of the wind energy system. This definition shall not apply to a building mounted wind energy system.

**Townhouse dwelling.** A type of multi-family dwelling where each unit has its own front and rear exposure to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common vertical fire-resistant walls.

**Tributary stream.** Any perennial stream that is so depicted on the most recent U.S. Geological Survey seven and one-half (7) minute topographic quadrangle map.

**Tuck-under parking.** Parking spaces provided on the ground level and accessed at the rear of a building with upper floors of the building creating cover.

**Two-family dwelling.** A type of multi-family structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from the ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell to both dwelling units.

**Use.** Any purpose for which a structure, lot, or other tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on or intended to be carried on in a structure or on a lot.

**Use group.** One (1) of the four (4) categories of similar or related uses permitted in the various zoning districts:

One-family, multi-family dwellings and community facilities;

Townhouse dwellings;

Commercial uses; and

Manufacturing uses.

**Variance.** A grant of relief from the terms of this ordinance by the board of zoning appeals of the City of Hampton, as allowed in chapter 13 herein.

**Vehicle storage area.** Any premises or space exposed to the weather used for the storage of towed, abandoned, or damaged vehicles for up to sixty (60) days.

**Water area.** Area of ponds, lakes, rivers, streams, or other impounded water bodies and associated

marshlands and wetlands.

**Water-dependent facility.** A development of land that cannot exist outside of the resource protection area and must be located on the shoreline by reason of the nature of its operation, such as ports, the intake and outfall structure of power plants, water treatment plants, sewage treatment plants and storm sewers, marinas and other boat docking structures, not to include office, showrooms or other sales areas, beaches and other public water-oriented recreation areas, and fisheries and similar marine resources facilities.

**Wind energy system setback.** The distance from the base of the structure, tower, pole or building upon which the wind energy system is mounted to a public right-of-way, overhead public utility line or lot line, whichever is closest.

**Wind energy system.** Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire or other component used in the system.

**Wind energy system, hybrid system.** An energy system that uses more than one (1) technology to produce energy or work (for example, a wind-solar system).

**Workforce development center.** A facility for employment training or counseling.

**Yard.** An open space, other than a hard surface court, on the same lot with a building or group of buildings, that lies between the building or group of buildings and a lot line, and is unoccupied or unobstructed from the ground upward except for walls and fences as may be permitted by the zoning district where the lot is situated.

## CHAPTER 3 - USES PERMITTED

### Sec. 3-1. Uses permitted, in general.

The following table identifies uses that are permitted within each zoning district. If a use is not listed, it is not permitted within the district unless the zoning administrator interprets the use to be substantially similar to one of the uses listed. Uses may be permitted by-right (P), conditionally with a use permit (UP), by planning commission action (PC), by special exception (SX) or by zoning administrator action (ZA). Uses not permitted are blank. Uses which have additional standards are denoted by an asterisk (\*) with reference to the specific section of the zoning ordinance which contains said standards.

### Sec. 3-2. Table of uses permitted.

[see attached use table]

<sup>A</sup> Retail sales, general: uses of the same general character as antique shop, appliance store, art shop, bakery (retail), boating supply store, book store, clothing store, confectionery, convenience store, dairy products store, delicatessen, department store, drapery store, drug store, dry cleaning (collection or pick-up station), florist, furniture and floor coverings store, grocery store (including produce, meat, or seafood markets), hardware store, interior decorating store, Internet caf, jewelry store, newsstand, office supply/stationery store, pet shop, photography studio, shoe store and repair, or variety store.

<sup>B</sup>Manufacturing/processing/treatment 1: uses of the same general character as manufacturing/processing/treatment of aircraft and spacecraft (including component parts); medical, photographic and metering equipment; drafting, optical and musical instruments; watches and clocks; toys, novelties and games; electronic apparatus; light mechanical and electrical devices; machines (including component parts); meters; wire products; pumps; vending and office machines; appliances; electronic equipment (including parts such as coils, thermostats, heaters, generators but excluding heavy parts such as electrical power generation components); bolts, nuts, screws and rivets; firearms (excluding ammunitions and explosives); tools, dies, machinery and hardware; bakery and dairy products; fruit, vegetable, meat and poultry products (excluding slaughtering and bulk storage of animal feed or grain); pillows, quilts, clothing and textiles; or boxes, furniture and light wood products.

<sup>C</sup> Manufacturing/processing/treatment 2: uses of the same general character as manufacturing/processing/treatment of acetylene gas, acid, alcohol, ammonia, animals (dead), bituminous products, bleaching powder, bone distillation, chlorine, casein, cement, chemicals, explosives, fertilizer, gas, gelatin, gutta-percha, lacquer, lampblack, lime gypsum, linoleum, matches, offal, oil, oil cloth, paint, paper, paper pulp, plaster of Paris, plastics, potash, pyroxylin, rendering of fat, rubber, salt, shellac, size, soap, sodium compounds, shoe polish, tar products, turpentine, varnish, vegetable products, or wool.

<sup>D</sup>Manufacturing/processing/treatment 3: uses of the same general character as manufacturing/processing/treatment of animal feed, automobiles, bags, bottles, barrels, concrete, brick, tile, terra cotta, or petroleum products (excluding refinery).

<sup>E</sup>Manufacturing/processing/treatment 4: uses of the same general character as manufacturing/processing/treatment of appliances, electrical devices, light mechanical products, pottery, signs (including electric and neon), cosmetics, or pharmaceuticals.

<sup>F</sup>Manufacturing/processing/treatment 5: uses of the same general character as manufacturing/processing/treatment of batteries, metal products, grains, bone, horns, feathers, fur, leather, hair, canvas, cellophane, cloth, felt, paint, paper, plastic, yarn, cork, fiber, stone, tobacco, or wood.

### **Sec. 3-3. Additional standards on uses.**

#### **The following uses have additional standards:**

##### **(1) One-family detached dwelling.**

(a) In the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, and R-M districts, such dwellings may be altered to contain two (2) dwelling units, provided that each dwelling unit shall be occupied by only one (1) family; and provided further that one (1) of the two (2) occupant families shall include the owner or at least one (1) of the owners of the premises; and further provided, that such use entails none but minor interior alterations to the dwelling while retaining the exterior appearance of a single-family dwelling with a single outside entrance to both dwelling units.

(b) In the RT-1 district, such dwellings may be altered to contain two (2) dwelling units, provided that each dwelling unit shall be occupied by only one (1) family; and provided further that one (1) of the two (2) occupant families shall include the owner or at least one (1) of the owners of the premises; and further provided, that such use entails none but minor interior alterations to the dwelling while retaining the exterior appearance of a single-family dwelling with a single outside entrance to both dwelling units. Additionally, no one-family dwelling constructed after the property is zoned RT-1 shall have a driveway with direct access to an arterial street

##### **(2) Duplex dwelling.**

In the RT-1 district, duplex dwellings shall be in conformance with the requirements of the R-8 district, with two (2) modifications:

- (a) Each duplex lot created after the property is zoned RT-1 District shall have a minimum frontage of 62 feet; and
- (b) No duplex dwelling constructed after the property is zoned RT-1 shall have a driveway with direct access to an arterial street.

**(3)Manufactured home.**

In the R-R district, manufactured homes shall be 19 or more feet in width and attached to a permanent foundation.

**(4)Manufactured/mobile home park or subdivision.**

In the MD-2, MD-3, R-M, C-1, C-2, RT-1, DT-1, DT-2, and DT-3 districts, the hereinafter stated regulations, minimum requirements and objective standards shall apply to all manufactured home parks and subdivisions permitted after October 24, 1990, and any changes or additions to manufactured home parks and subdivisions existing prior to October 24, 1990.

- (a)Application requirements. In addition to a use permit, the following shall be included with the application:
  - (i)A site plan and a landscape plan as required herein for a manufactured home park.
  - (ii)A preliminary subdivision plat and a landscape plan as required herein for a manufactured home subdivision. Nothing in this section shall alter the requirements for the approval of site plans and/or subdivision plans, as provided in chapters 35 and 35.1 of the city code.
- (b)Uses permitted. Only those manufactured homes constructed in accordance with regulations promulgated under the Federal Manufactured Housing Construction and Safety Standards Act or the Virginia Industrialized Building and Manufactured Home Safety Regulations, as amended, and bearing the appropriate seals and labels to certify compliance with such regulations shall be permitted under this article. Manufactured home park owners/operators and individual unit owners in subdivisions shall be responsible for the maintenance and upkeep of units in such parks or subdivisions.
- (c)Area requirements; number of lots. All manufactured home parks and subdivisions shall be located on a minimum of five (5) acres, and shall be comprised of a minimum of 10 lots.
- (d)Lot area requirements. All lots within a manufactured home park shall meet the following minimum standards:
  - (i)Lots for single-wide units shall contain at least 3,800 square feet and have at least 40 feet of street frontage.
  - (ii)Lots for double-wide units shall contain at least 5,225 square feet and have at least 55 feet of street frontage.
  - (ii)Lots that are contiguous to the required 50-foot buffer area, along either the side or rear lot line may reduce their lot area by the depth of the required setback times the length of that side or rear property line.
  - (iii)All fee-simple lots within a manufactured home subdivision shall meet the following minimum standards:
    - (aa)Lots for single-wide units shall contain at least 4,725 square feet and have at least 45 feet of street frontage.
    - (bb)Lots for double-wide units shall contain at least 6,300 square feet and have at least

60 feet of street frontage.

- (cc)Lots that are contiguous to the required 50-foot buffer area, along either the side or rear lot line may reduce their lot area by the depth of the required setback times the length of that side or rear property line.
- (e)Height regulations. All structures within the manufactured home park or subdivision shall comply with the height regulations of the district in which they are located.
- (f)Dwelling area requirements. All manufactured homes placed in a park or subdivision shall have a minimum dwelling area of 320 square feet.
- (g)Building setback requirements.
  - (i)Front setback.
    - (aa)Manufactured homes in parks shall be set back at least 15 feet from the front lot line.
    - (bb)Manufactured homes in subdivisions shall be set back at least 20 feet from the front fee-simple lot line.
    - (cc)All structures within manufactured home parks and subdivisions shall be set back at least 50 feet from the front project property line.
  - (ii)Side setback.
    - (aa)Manufactured homes in parks shall be set back at least 10 feet from one (1) side lot line and 15 feet from the other side lot line. The unit shall be sited such that the primary entrance opens onto the larger side yard.
    - (bb)Manufactured homes in subdivisions shall be set back at least 15 feet from the side fee-simple lot line.
    - (cc)If the lot area has been reduced under the provisions of section 3-3(4)(d) herein, no side setback is required abutting the buffer area.
    - (dd)All structures within manufactured home parks and subdivisions shall be set back at least 50 feet from the side project property lines.
  - (iii)Rear setback.
    - (aa)Manufactured homes in parks shall be set back at 10 feet from the rear lot line.
    - (bb)Manufactured homes in subdivisions shall be set back at least 15 feet from the rear fee-simple lot line.
    - (cc)If the lot area has been reduced under the provisions of section 3-3(4)(d) herein, no rear setback is required abutting the buffer area.
    - (dd)All structures within manufactured home parks and subdivisions shall be set back at least 50 feet from the rear project property line.
- (h)Off-street parking. A minimum of two (2) off-street parking spaces shall be provided for each manufactured/mobile home in parks and subdivisions. At least one (1) space shall be provided on the lot housing the unit. The additional space may be provided in an off-street parking area, to be located within 150 feet of the unit it is to serve. All parking spaces shall meet the

provisions of chapter 11 hereof.

(i)Landscaping. A landscape plan complying with the provisions of the City of Hampton Landscape Guidelines shall be submitted with the application for a use permit as delineating the following:

(i)Perimeter screening. All manufactured home parks and subdivisions shall provide a perimeter screen composed of landscaping or a combination of landscaping and fencing, the intent of which is to limit ingress and egress on the property, and to provide some buffering from adjoining uses. The screen shall be at least six (6) feet in height, and shall be located on all project property lines that do not abut existing or proposed public rights- of-way; such screening shall be set back at least 10 feet from any existing or proposed public rights-of-way. The only openings permitted in such screening shall be for vehicular ingress and egress. Barbed wire and electric fences are expressly prohibited. Landscaping materials for the perimeter screen cannot be counted toward the green area requirements of section 3-3(4)(j) herein.

(ii)Green area requirements. All manufactured/mobile home parks and subdivisions with 20 or more lots shall be required to provide at least 300 square feet of green area per lot which shall be retained as common area. Such green area shall be in addition to the minimum lot area for dwelling units, and shall be aggregated in increments of at least 4,500 square feet. No more than 25% of this required area may be provided by water area. Such green area shall be landscaped in accordance with the provisions of the City of Hampton Landscape Guidelines. (c) Buffers. No structures, except fences as part of the perimeter screen, shall be permitted within 50 feet of the project property lines. Parking shall not be located closer than 20 feet from the project property lines. All green area and landscaping within this buffer, except for that required for the perimeter screen may be counted toward the green area requirement stated above.

(j)Streets. All street layouts in manufactured/mobile home parks and subdivisions shall be designed so as to ensure efficient vehicular flow, adequate access for emergency vehicles, and unobstructed access to public streets. Private streets shall be permitted within the park or subdivision, however, any public street within said development shall be constructed to the standards provided in section 35-74 of the city code. On-street parking shall be regulated according to the following pavement widths:

	On-Street Parking
22	Not permitted
27	One side of street
32	Both sides of street

Manufactured home park and subdivision owners shall be responsible for enforcement of parking regulations on private streets.

(k)Signs. All signs placed upon the site shall meet the provisions of chapter 11 hereof.

(l)Dumpsters. Dumpsters shall not be placed within the buffer area required along any property line

abutting an existing or proposed public right-of-way, or within twenty (20) feet of any project property line abutting a residential district. Individual toters shall be kept behind the building setback lines except on collection days.

(m)Fences. On any manufactured home lot, a fence may be located and maintained along the lot line, provided that such fence shall not exceed four (4) feet in height along the front yard and six (6) feet in height along the rear and side yard lines. The use of electrified fences or barbed wire is expressly prohibited.

(n)Accessory structures.

(i)The following accessory structures are permitted:

(aa)Laundry facilities, to be located in common areas.

(bb)Patios, porches and decks.

(cc)Storage sheds.

(dd)Service buildings for the park, to include a rental/management office, to be located in common areas.

(ee)Recreational facilities for the exclusive use of the residents and their guests, to be located in common areas.

(ii)No accessory structures shall be permitted within the required five (5) foot buffer area. In the case of lots of reduced area under the provisions section 3-3(4)(d) herein, no accessory structures may be located in the contiguous buffer area.

(iii)Patios, porches, stoops and decks shall be permitted to encroach a maximum of 10 feet into the fifteen-foot side setback or the rear setback so long as they are not enclosed in any manner.

(iv)Stoops shall be permitted to encroach a maximum of four (4) feet into the ten-foot side setback, exclusive of handicapped ramps. The landing area for such stoop shall not exceed four (4) feet by four (4) feet.

(v)Sheds shall be permitted to encroach into the rear setback so long as they do not occupy more than 33% of the required yard. Sheds shall not be required to meet the rear or side yard setbacks.

(o)Maintenance, perpetuation of open space and guarantee of development in manufactured home subdivisions. A manufactured home subdivision may be accomplished as outlined in this section by providing for the retention of open space in common ownership of the individual owners through appropriate legal documents, with appropriate provision to assure continuous maintenance and the use of the common property for the purpose intended. The legal document or documents shall place unencumbered title to the common property in a form of common ownership representing the residents of the manufactured home subdivision (homeowners' association), shall place responsibility for the management and maintenance of all common property, shall set forth the restrictive covenants, and place responsibility for the enforcement thereof, and shall provide for the subjection of each lot to assessment of its proportionate share of maintenance costs of the common property. Such legal documents shall be filed with the application for approval of a manufactured home subdivision and shall be approved as to form by the city attorney. Such legal documents shall be recorded and indexed

as deeds are recorded prior to or in conjunction with the recordation of any subdivision plat.

(p)Sanitary sewer. All lots within any manufactured home park or subdivision shall be connected to the public sanitary sewer system or an approved private sewer system.

(q)Phasing of development. In the event that the manufactured home park or subdivision is to be developed in phases, each individual phase must, at a minimum, meet the open space and landscaping requirements for the number of lots created in that phase. It is the intent of this section to protect the integrity of the overall development by protecting the integrity of each phase.

(r)Waiver of requirements. Under the provisions of the use permit, the city reserves the right to waive any of the above requirements if the proposed park or subdivision meets the intent of the regulations using good design principles.

**(5)Upper-floor dwelling units.**

(a)In the C-2 district, upper-floor dwelling units, with an approved use permit may be located above permitted office, retail or commercial uses excluding certain uses listed below:

(i)Car wash, hand/auto detailing;

(ii)Car wash, self-service or automated;

(iii)Boarding/rooming houses;

(iv)Religious facilities;

(v)Commercial communications towers, not to exclude building mounted antennas with an approved use permit;

(vi)Detention facilities;

(vii)Gas stations;

(viii)Group homes;

(ix)Halfway houses;

(x)Light vehicle repair;

(xi)Motorcycle sales;

(xii)Motorcycle service;

(xiii)Orphanages;

(xiv)Skating rink, ice or roller;

(xv)Swimming pool, commercial;

(xvi)Tire sales;

(xvii)Tire repair;

(xviii) Turkish baths;

(xix) Vehicle storage, including vehicle storage accessory to heavy vehicle repair.

Residential uses may not be combined with any other use on the same floor.

Residential uses may not be located on pedestrian level and must have at least one separate exterior entrance.

No commercial, office, retail, or parking uses shall be located on any floor above a residential use.

Commercial building setbacks shall apply with all building code standards being met as necessary for such building separations.

(b) In the DT-1 and DT-2 districts, mixed-use structures may include two (2) or more of the following elements: residential, office, retail, commercial or parking with the following standards:

(i) Residential uses may not be combined with any other use on the same floor.

(ii) Residential uses may not be located on pedestrian level and must have at least one (1) separate exterior entrance.

(iii) No commercial, office, retail, or parking uses shall be located on any floor above a residential use.

**(6) Dwelling unit for resident caretaker/watchman.**

In the M-1, M-2, M-3, LFA-1, LFA-2, LFA-4, LFA-6, and HRC-3 districts, resident caretakers and watchmen must be employed on the premises.

**(7) Home occupation.**

In the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, LFA-5, RT-1, BB-1, BB-2, BB-3, BB-4, BB-5, DT-1, DT-2, and DT-3 districts, home occupations shall be permitted only as an accessory use and only where the character of such use is such that it is clearly subordinate and incidental to the principal residential use of a dwelling. Home occupations that have the following general characteristics are permitted:

(a) Only those persons who are bona fide residents of the premises may participate in the home occupation. There shall be no on site employment or use of labor from persons who are not bona fide residents of the dwelling.

(b) No mechanical or electrical equipment shall be employed within or on the premises other than machinery or equipment customarily found in a home; except that computer systems, fax machines and equipment customarily associated with home office equipment shall be permitted.

(c) No outside display of goods and no outside storage of any equipment or materials used in the home occupation shall be permitted.

(d) There shall be no audible noise, or any detectable vibration or odor from activities or equipment of the home occupation beyond the confines of the dwelling, or any accessory building, including transmittal through vertical or horizontal party walls.

- (e)The storage of biohazardous waste, hazardous waste or materials not otherwise and customarily associated with home use is prohibited.
- (f)The home occupation must be conducted entirely within the dwelling or an accessory structure, or both. Not more than two hundred (200) square feet of floor area of the dwelling shall be used in the conduct of the home occupation, including storage of stock-in-trade or supplies.
- (g)All parking in connection with the home occupation (including, without limitation, parking of vehicles marked with advertising or signage for the home occupation) must be in driveway and garage areas on the premises, or in available on-street parking areas.
- (h)Except for the sign authorized above, there shall be no evidence or indication visible from the exterior of the dwelling that the dwelling is being used in whole or in part for any purpose other than as a residential dwelling.

(8)**Group home 2** in the MD-1, MD-2, MD-3, MD-4, R-M, C-1 and C-2 districts, or;

**Juvenile residence** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1 and C-2 districts.

- (a)No facility shall be located within a three-quarter ( ) mile radius of any existing facility of the same type;

(9)**Orphanage** in the R-M, C-1, C-2 and C-3 districts, or;

**Shelter** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2 and C-3 districts.

- (a)No facility shall be located within a two (2) mile radius of any existing facility of the same type;

(10)**Day care 2** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, and RT-1 districts.

- (a)Unless it makes a factual determination that the proposed day care 2 would be incompatible with the quiet enjoyment of surrounding properties, the board of zoning appeals shall issue the requested special exception. It may impose conditions governing factors related to the operation of said home, such as, but not limited to:

- (i)Hours of operation;
- (ii)Location of play area and equipment;
- (iii)Fencing of play area;
- (iv)Limitations on signs;
- (v)Record-keeping requirements and inspection by authorized personnel.

If the board denies an application for special exception, no further application for special exception pertaining to the same use on the same property will be accepted by the board for one (1) year following the date of denial.

**Day care 2** in the MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, C-3, DT-1, DT-2, and DT-3 districts.

- (a)Shall be permitted only in detached single-family homes with non-conforming status

(b) Unless it makes a factual determination that the proposed day care 2 would be incompatible with the quiet enjoyment of surrounding properties, the board of zoning appeals shall issue the requested special exception. It may impose conditions governing factors related to the operation of said home, such as, but not limited to:

(i) Hours of operation;

(ii) Location of play area and equipment;

(iii) Fencing of play area;

(iv) Limitations on signs;

(v) Record-keeping requirements and inspection by authorized personnel.

If the board denies an application for special exception, no further application for special exception pertaining to the same use on the same property will be accepted by the board for one (1) year following the date of denial.

(11) **Day care 3** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, C-3, HRC-2, DT-1, DT-2, and DT-3 districts, or;

**Day care 3, accessory** in the M-1, M-2, M-3, HRC-1, and HRC-3 districts.

The evaluation of a request for use permit for a day care 3 or day care 3, accessory use shall include the traffic impact of the proposed use on the surrounding road network. Further provided that the use permit for a day care 3 shall automatically expire and become null and void if the property is not used for the permitted purpose for a continuous six-month period.

(12) **Outdoor dining 1** in the C-1, C-2, C-3, M-2, RT-1, BB-3, BB-4, and BB-5 districts.

(a) The proposed dining operation and location will not significantly interfere with the pedestrian traffic or otherwise constitute a health and safety risk;

(b) Tables, chairs and other furniture placed outdoors shall be readily available for use. Any furniture which is not readily accessible may not be stored outside, but must be stored within a wholly enclosed structure;

(c) Any sound or noise from amplified music shall not exceed a noise level measurement of 60 dBA upon the real property of another as determined by a sound level meter using the "A" weighting scale in accordance with the American National Standard Institute;

(d) Any encroachment of an outdoor dining area into a public right-of-way must be approved by the city council. The applicant must adhere to all terms and provisions specified in the agreement granted by the city council;

(e) The hours of operation of the outdoor dining area shall not extend beyond 8:00 a.m. 9:00 p.m. Sunday through Thursday and 8:00 a.m. 10:00 p.m. Friday and Saturday;

(f) All outdoor lighting shall be focused downward and inward in a way that prevents spillover onto adjacent properties;

(g) All outdoor dining shall be subject to the provisions of the Hampton Zoning Ordinance and Hampton City Code, to include, but not be limited to, parking, setbacks, and building code

requirements;

- (h)The outdoor dining permit shall be valid for 18 months from the date of approval by the zoning administrator. After 12 months of operation, prior to the expiration date, the outdoor dining permit will be scheduled for review by the zoning administrator to consider if the continuation of the outdoor dining permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the outdoor dining permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, hours and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state or local law. If, after review, the zoning administrator determines that the outdoor dining permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the outdoor dining permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the zoning administrator may administratively extend the outdoor dining permit in five-year increments. Each such extension shall be subject to the same administrative review. If the zoning administrator determines that the outdoor dining permit would be detrimental to the public health, safety and welfare and that to continue the activities under the outdoor dining permit would cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the zoning administrator will notify the permittee of a denial of the extension in writing in the same manner as required under chapter 25 of the zoning ordinance. A permittee aggrieved by the decision of the zoning administrator may appeal the decision of the zoning administrator to the board of zoning appeals in the manner set forth in chapter 22 of the zoning ordinance. Nothing contained herein shall limit the rights of a permittee to seek a new outdoor dining permit; and
- (i)The zoning administrator, or appointed designee, shall have the ability to revoke the outdoor dining permit upon violations of any of the above conditions.

**(13)Outdoor dining 2** in the C-1, C-2, C-3, M-2, RT-1, BB-3, BB-4, and BB-5 districts.

Outdoor dining 2 venues are defined as those requesting to operate beyond the conditions set forth under the provisions of outdoor dining 1 in the same zoning districts as described above and are subject to obtaining a use permit by city council. The city will evaluate each application on a site-by-site basis with regard to the surrounding land use patterns and city council may impose more restrictive conditions when the proposal is adjacent to residential land uses. Conditions shall include, but are not limited to, the following:

- (a)Submission of a site plan indicating the location and total area of the outdoor dining space;
- (b)Hours of operation;
- (c)Sound or noise;
- (d)Term limitation on the use permit, administrative review, and extension or denial of use permit.

**(14)Outdoor dining, downtown** in the DT-1 and DT-2 districts.

- (a) All outdoor dining areas shall conform to the provisions and guidelines of this section. No zoning certificate shall be issued to authorize the installation of an outdoor dining area without prior approval by the zoning administrator, after review by the director of planning and the city

health department of the plans for such installation. Elements to be reviewed shall include: the type, number and placement of tables, chairs, and/or other dining furniture; the color, design and placement of canopies and awnings; the design and placement of planters, trash receptacles, bollards, fences, other street furnishings and landscaping; the type, amount and location of surface material to be applied and the corresponding loss of green space, if any, and the type and amount of landscaping to be installed to compensate for that loss; the limits of encroachment, if any, into public rights-of-way; the width of the unobstructed pedestrian thoroughfare adjacent to the outdoor dining area; and overall conformance with the recommendations of the downtown master plan.

- (b) Any encroachment of an outdoor dining area into a public right-of-way must be approved by the city council. The applicant must adhere to all terms and provisions specified in the agreement granted by the city council.
- (c) Any outdoor dining area shall be surfaced with bricks, wood decking, exposed aggregate, pavers or similar material effectively treated to facilitate maintenance and minimize dust. If required to meet the standards of the Chesapeake Bay Preservation District (O-CBP), other surfaces may be used. Surfaces shall be kept free of litter and shall be graded to prevent pooling of water. No vehicle parking shall be permitted on these surfaces. If green space is lost due to the application of surface material, then landscaping shall be required to mitigate that loss.
- (d) Reserved.
- (e) The outer edge of any outdoor dining area shall not reduce the adjacent pedestrian thoroughfare to less than four (4) feet.
- (f) Tables, chairs and other furniture placed within the outdoor dining area shall be readily available for use. Any furniture which is not readily accessible may not be stored within the outdoor dining area, but must be stored within a wholly enclosed structure.
- (g) Where there are existing awnings or canopies on the street face block, the height, scale, and design of proposed awnings or canopies shall be compatible with them. Where none exist, proposed awnings or canopies shall be compatible with other design elements on the street face block.
- (h) Signage on awnings and canopies is permissible and will count towards the maximum total signage allowed for the principal establishment.
- (i) The hours of operation shall not extend beyond the normal operating hours of the principal establishment.

(15) **Rummage sale, temporary** in the C-1, C-2, C-3, M-2, RT-1, DT-1, and DT-2 districts.

Permitted only for a corporation, trust, religious organization, association, community chest, fund, or foundation organized and operated for religious, charitable, scientific, literary, community, or educational purpose.

(16) **Second-hand store** in the C-2, C-3, and M-2 districts.

Use shall be conducted wholly within an enclosed building.

(17) **Tire sales** in the C-2, C-3, and M-2 districts, or;

**Tire repair** in the C-2, C-3, and M-2 districts.

Use shall be conducted wholly within an enclosed building.

(18) **Vehicle storage, including vehicle storage accessory to heavy vehicle repair** in the C-3, M-2, M-3, LFA-1, and LFA-2 districts.

The following minimum conditions shall be met:

- (a) All storage areas shall be enclosed by a six (6) foot opaque fence.
- (b) There shall be a landscaped buffer of 15 feet between the fence and any existing or proposed right-of-way.
- (c) There shall be a landscaped buffer of 20 feet between the fence and any adjacent residential district or the property line of any existing dwelling unit.
- (d) There shall be a landscaped buffer of 15 feet between the fence and any adjacent commercial property.
- (e) When any yard area of a vehicle storage area abuts the front yard(s) of one (1) or more residential lots, all required fencing and all storage areas shall be set back a distance equal to the largest front setback of the dwelling(s) on the adjacent parcel(s).

(19) **School, horse riding** in the R-R, R-LL, R-43, R-33, R-22, and R-15 districts, or;

**Animal boarding/stables** in the R-R district.

The following minimum conditions shall be met:

- (a) No more than four (4) animals be kept, stabled, or pastured for each acre of land so used.
- (b) An accessory building, structure, or use, to include a private stable for the keeping of, or the use of, horses, ponies, or similar animals customarily used for recreational purposes is permitted, provided:
  - (i) That such a stable or such use shall not be permitted on a lot containing less than one (1) acre; if two (2) or more such animals but not exceeding eight (8) are to be kept, a minimum lot area of two (2) acres shall be required; if more than eight (8) such animals are to be kept, a minimum lot area of three (3) acres shall be required; and
  - (ii) That no structure used as a private stable, manure pit, or bin shall be located nearer than sixty (60) feet to any adjacent lot line, except where such lot line abuts a water course at least sixty (60) feet in width.

(20) **Adult entertainment establishment** in the C-3 and M-2 districts.

Structures for such use shall not be located nearer than 1,000 feet to:

- (a) Any school, religious facility, park, playground, or library property;
- (b) Any other adult entertainment establishment;
- (c) Any residentially zoned property which fronts on the same street or which contains any school, religious facility, park, playground, and library; otherwise, the minimum distance from such structures to a residential zone shall be three hundred (300) feet.

For the purposes of this paragraph, distances shall be measured on a straight line: (1) from the adult entertainment establishment to the nearest point of the property named in (a) or (c) above; or (2) between the establishment named in (b) above.

**(21) Coin-operated amusement devices, accessory** in the C-1, C-2, C-3, RT-1, DT-1, and DT-2 districts.

No more than six (6) coin-operated amusement machines shall be allowed as an accessory use at any business establishment.

**(22) Live entertainment 1, in conjunction with a restaurant use** in the C-1, C-2, C-3, RT-1, BB-3, BB-4, BB-5, DT-1, and DT-2 districts. or;

**Live entertainment 1, in conjunction with a micro-brewery/distillery/winery use** in the M-1, M-2, M-3, HRC-1, HRC-2, DT-1, and DT-2 districts.

Live entertainment 1 venues are defined as venues where capacity is limited to no more than 50 people and subject to a live entertainment permit granted by the zoning administrator with the following attached conditions:

- (a) Live entertainment shall be conducted inside the building only;
- (b) Performance space shall be no greater than 10% of the gross floor area. The applicant shall submit a floor plan indicating the location of the proposed performance space;
- (c) The hours of operation for live entertainment shall be specified on the live entertainment permit application and shall not extend past 10:00 p.m. Sunday through Thursday and 11:59 p.m. Friday and Saturday;
- (d) Any sound or noise from amplified music shall not exceed a noise level measurement of 60 dBA upon the real property of another as determined by a sound level meter using the "A" weighting scale in accordance with the American National Standard Institute;
- (e) Each ingress/egress point in the building shall be monitored by an attendant during the hours of operation, and additional attendants may be required to monitor vehicle parking areas that serve the building and maintain and control patron behavior upon exit of the building into the parking areas;
- (f) The live entertainment permit shall be valid for 18 months from the date of approval by the zoning administrator. After 12 months of operation, prior to the expiration date, the live entertainment permit will be scheduled for review by the zoning administrator to consider if the continuation of the live entertainment permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, traffic flow and control, access to and circulation within the property, off-street parking and loading, hours and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state or local law. If, after review, the zoning administrator determines that the live entertainment permit would not be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment permit would not cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the zoning administrator may administratively extend the live entertainment permit in five (5) year increments. Each such

extension shall be subject to the same administrative review. If the zoning administrator determines that that the live entertainment permit would be detrimental to the public health, safety and welfare and that to continue the activities under the live entertainment permit would cause public inconvenience, annoyance, disturbance or have an undue impact on the community or be incompatible with other uses of land the zoning district, the zoning administrator will notify the permittee of a denial of the extension in writing in the same manner as required under chapter 1 of the zoning ordinance. A permittee aggrieved by the decision of the zoning administrator may appeal the decision of the zoning administrator to the board of zoning appeals in the manner set forth in chapter 13 of the zoning ordinance. Nothing contained herein shall limit the rights of a permittee to seek a new live entertainment permit; and

(g) The zoning administrator, or appointed designee, shall have the ability to revoke the live entertainment permit upon violations of any of the above conditions.

(23) **Live entertainment 2, in conjunction with a restaurant use** in the C-1, C-2, C-3, RT-1, BB-3, BB-4, BB-5, DT-1, and DT-2 districts. or;

**Live entertainment 2, in conjunction with a micro-brewery/distillery/winery use** in the M-1, M-2, M-3, HRC-1, HRC-2, DT-1, and DT-2 districts.

Live entertainment 2 venues are defined as venues with a capacity greater than 50 people and subject to obtaining a use permit by city council. The city will evaluate each application on a site-by-site basis with regard to the surrounding land use patterns and city council may impose more restrictive conditions when the proposal is adjacent to residential land uses. Conditions shall include, but are not limited to, the following:

(a) Submission of a site plan indicating the location and total area of the live entertainment performance space;

(b) Hours of operation;

(c) Any sound or noise from amplified music;

(d) Staffing for ingress/egress points in the building and vehicle parking areas;

(e) Term limitation on the use permit, administrative review and extension or denial of use permit.

(24) **Religious facility** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, C-3, RT-1, BB-1, BB-2, BB-3, BB-4, BB-5, DT-1, DT-2, and DT-3 districts.

Religious facilities and accessory uses such as convents, Sunday schools, parish houses, and assembly rooms (excluding rescue mission or temporary revival), are permitted provided:

(a) For the above uses with a capacity within any single assembly area, of no more than five hundred (500) people, no vehicular access shall be permitted from any residential street unless required for emergency vehicular access.

(b) For the above uses with a capacity within any single assembly area of between five hundred one (501) and one thousand (1,000) people, no vehicular access shall be permitted from any residential or minor collector street unless required for emergency vehicular access.

(c) For the above uses with a capacity within any single assembly area in excess of one thousand

(1,000) people, no vehicular access shall be permitted from any residential, minor collector, or collector street unless required for emergency vehicular access.

(d)Notwithstanding the provisions of chapter 12, Nonconformities, a religious facility may make additions to its physical plant, without regard to any street access requirements or limitations, provided:

(i)Any addition or construction of additional buildings which increases sanctuary seating above the limits which would otherwise be imposed by street access requirements, shall occur only on the property owned in accordance with section 57-12 of the Code of Virginia by the religious facility at the time of adoption of this ordinance;

(ii)All additions or construction of additional buildings shall comply with the setback requirements in effect at the time of submission of the site plan for the addition or construction; and

(iii)Any addition or construction of additional buildings which increases sanctuary seating shall be accompanied by additional parking spaces for the new seating provided at the ratio required at the time of submission of the site plan for such addition or construction.

(25)**Shooting range, trap or skeet** in all districts.

Trap shooting range shall be a minimum area of four (4) acres and with a minimum width of 200 feet. Skeet shooting range shall be a minimum area of nine (9) acres with a minimum width of 450 feet.Both are subject to securing a use permit and may be rescinded subject to such time limitations as may be prescribed at the time of the granting of the use permit.

(26)**Skateboard ramp** in the R-R, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, R-M, C-1, C-2, RT-1, DT-1, DT-2, and DT-3 districts.

The board of zoning appeals shall apply the following standards before granting a special exception:

- (a)Skateboard ramps shall only be permitted in rear yards;
- (b)Skateboard ramps shall not be located closer than fifteen (15) feet to any rear or side property line;
- (c)Skateboard ramps located on corner lots shall comply with the side yard setbacks for accessory buildings on corner lots as specified in chapter 1, section 1-24(1)(b).

The board of zoning appeals may impose conditions concerning the operation of skateboard ramps such as:

- (d)Hours of operation;
- (e)Landscaping;
- (f)Such other conditions regarding the location, character, and other features of the proposed structure as it may deem necessary in the public interest.

Special exception granted under this section shall not be transferable. The board of zoning appeals has the right to revoke the special exception for failure to meet the conditions set forth in the special exception.

**(27)Silviculture/plant nursery, including retail sales** in all districts.

The following minimum conditions shall be met:

- (a) The minimum lot size for such a use shall be two (2) acres;
- (b) The owner and operator of the premises occupy a residence on site;
- (c) The rental, repair, or sale of motorized equipment or tools other than hand tools shall be prohibited;
- (d) The operations of such a use, including storage, but excluding outside plant production storage and sale shall be conducted within a completely enclosed structure;
- (e) The sale or storage of liquid or dry chemicals unless same is pre-packaged by the manufacturer shall be prohibited;
- (f) There may be only one (1) unlighted exterior sign in accordance with local zoning ordinances; and
- (g) Off-street parking on site is provided in conformance with chapter 19 of the zoning ordinance.

**(28)Veterinarian office/hospital** in the R-R district.

All buildings and areas used for such purposes shall be located at least one hundred (100) feet from all side property lines.

**Veterinarian office/hospital** in the C-2, C-3, and RT-1 districts.

Use shall be conducted wholly within an enclosed building.

**(29)Accessory use/structure for keeping of recreational animals** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, R-M, C-1, C-2, C-3, RT-1, DT-1, and DT-2 districts.

Accessory building, structure, or use, to include a private stable for the keeping of, or the use of, horses, ponies, or similar animals customarily used for recreational purposes are permitted provided:

- (a) That such a stable or such use shall not be permitted on a lot containing less than one (1) acre; if two (2) or more such animals but not exceeding eight (8) are to be kept, a minimum lot area of two (2) acres shall be required; if more than eight (8) such animals are to be kept, a minimum lot area of three (3) acres shall be required; and
- (b) That no structure used as a private stable, manure pit, or bin shall be located nearer than 60 feet to any adjacent lot line, except where such lot line abuts a water course at least 60 feet in width.

**(30)Manufacturing of arts and crafts** in the C-2 and C-3 districts is required to have a retail sales component as part of any such use.

**(31)Storage of materials, indoor or outdoor, including equipment rental and contractors storage** in the M-1, M-2, M-3, LFA-1, LFA-2, HRC-2, and HRC-3 districts. Outdoor material storage areas shall be subject to the following setback, landscaping and stacking requirements:

- (a) Storage areas shall be set back a minimum of 20 feet from any existing or proposed public rights-of-way, and 20 feet from any property line that abuts a residential, commercial, or special public interest district. Notwithstanding the provisions of chapter 12 hereof, any business utilizing outdoor material storage on December 14, 1988, shall be permitted to expand such

storage area on property owned by said business on December 14, 1988, without conforming to the above setbacks, so long as the storage area does not violate the green area requirements of the city zoning ordinance. In the case where the expansion abuts a residential, commercial, or special public interest zone, a twenty-foot setback shall be required.

- (b) Any fence enclosing a storage area shall not violate the required setback.
- (c) Storage area setbacks shall be landscaped in accordance with the City of Hampton Landscape Guidelines kept on file in the department of community development, development services center. Notwithstanding the provisions of chapter 12 hereof, businesses utilizing outdoor material storage on December 14, 1988, shall be permitted to expand their storage area on property owned by said business on December 14, 1988, without conforming to the above landscaping requirements in accordance with the provisions of chapter 35.1 of the city code.
- (d) The number of freight containers stacked vertically must be equaled or exceeded by the number of containers placed side-by-side, to a maximum of three (3) containers stacked vertically. Additionally, the stacked containers shall comply with the wind load requirements of the building code.
- (e) Appropriate BMPs shall be employed as required by chapter 33.1 of the city code to prevent off-site release of stored materials.

(32) **Wrecking; automobile, outdoor** in the M-3 district.

Use shall be conducted wholly within an enclosed building.

(33) **Communication antenna, commercial building-mounted** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, C-3, M-1, M-2, M-3, RT-1, BB-3, BB-4, BB-5, HRC-2, HRC-3, DT-1, DT-2, and DT-3 districts.

The following minimum conditions shall be met:

- (a) The building is not a single-family dwelling;
- (b) The minimum height of the building shall be no less than 35 feet;
- (c) The height of the antenna (including support structures) shall not exceed 22 feet above the highest point of the building;
- (d) The antenna and support structures are painted so that they are compatible with the primary building structure, unless roof mounted; and
- (e) Intermodulation testing is coordinated through the Hampton police division demonstrating that the proposed antenna operation is designed in a manner to eliminate interference with public safety communications. Such testing shall also be required from each subsequent operator prior to any building permits to add or modify antennas. Should any equipment associated with the antennas be found to interfere with public safety communications, the owner shall be responsible for the elimination of such interference.

(34) **Communication tower, commercial** in the R-R, R-LL, R-43, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, R-M, C-1, C-2, C-3, M-1, M-2, M-3, RT-1, HRC-1, HRC-2, HRC-3, DT-1, DT-2, DT-3, and PO-1 districts.

The following minimum conditions shall be met:

- (a) Use permit applications for commercial communication towers shall include the following:
- (i) A site plan drawn to scale specifying the location of tower(s), guy anchors (if any), transmission building(s) and other accessory uses, parking, access, landscaped areas (specifying size, spacing, and plant material proposed) fences, and identify adjacent property owners.
  - (ii) A report from a registered structural or civil engineer indicating tower height and design, structure, installation and total anticipated capacity of the structure (including number and types of antennas which could be accommodated). This data shall demonstrate that the proposed commercial communication tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the commercial communication tower will meet the structural requirements of EIA-222 E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" published by the Electronic Industries Association, effective June 1, 1987 or current update.
  - (iii) A statement from a registered engineer that the NIER (nonionizing electromagnetic radiation) emitted therefrom does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.
  - (iv) Evidence of the lack of space on suitable existing commercial communication towers, buildings, or other structures to locate the proposed antenna and the lack of space on existing commercial communication tower sites to construct a tower for the proposed antenna within the service area shall be considered in the review of use permit applications for a new commercial communication tower.
  - (v) Intermodulation testing is coordinated through the Hampton police division demonstrating that the proposed antenna operation is designed in a manner to eliminate interference with public safety communications. Such testing shall also be required from each subsequent operator prior to any building permits to add or modify antennae. Should any equipment associated with the antennae be found to interfere with public safety communications, the owner shall be responsible for the elimination of such interference.
- (b) The following locational criteria shall be considered in determining the appropriateness of sites for commercial communication towers:
- (i) Whether the application represents a request for multiple use of a commercial communication tower or site, or use on a site contiguous to an existing commercial communication tower site.
  - (ii) Whether the application contains a report that other potential users of the site and the commercial communication tower have been contacted, and they have no current plans, to the best of their ability to determine, that could be fulfilled by joint use.
  - (iii) Whether the application shows how the commercial communication tower or site will be designed or laid out to accommodate future multiple users. Specific design features evaluated shall include but not be limited to height, wind loading, and coaxial cable capacity.

- (iv) Whether the proposed commercial communication tower is to be located in an area where it would be unobtrusive and would not substantially detract from aesthetic or neighborhood character, due either to location, to the nature of surrounding uses, (such as industrial uses) or to lack of visibility caused by natural growth or other factors.
  - (c) Accessory facilities may not include offices, vehicle storage, or outdoor storage unless permitted by underlying zoning.
  - (d) Advertising and/or signage on tower structures is prohibited.
  - (e) The minimum setback requirements from the base of the commercial communication tower to any property line abutting a right-of-way of any planned or existing street, and all residential uses shall be at least 50 feet unless a greater setback is specified due to site specific characteristics. For property lines abutting nonresidential uses, the minimum setback requirements shall be at least 25 feet unless a greater setback is specified due to site specific characteristics. The minimum setback for guy towers shall be equal to 40% of tower height.
  - (f) Minimum site size shall be no less than 2,000 square feet.
  - (g) Commercial communication towers 200 feet in height or less shall have a galvanized finish or be painted silver. Regulations of the Federal Aviation Commission or Federal Communications Commission supersede this requirement if contradictory.
  - (h) Commercial communication towers shall be illuminated as required by the Federal Aviation Administration. However, if not required by the Federal Aviation Commission, no lighting shall be incorporated.
  - (i) Landscaping shall be required as set forth in the City of Hampton Landscape Guidelines on file with the department of community development, development services center.
  - (j) Additional conditions may be included contingent upon site specific characteristics for commercial communication towers other than those exempt under subsection (k) herein below.
  - (k) Commercial communication towers up to 150 feet in height sited on properties included in the inventory of appropriate sites for communication towers which is adopted by reference as a component of the 2006 community plan, as amended, are exempt from the use permit requirement provided all the above listed provisions, except for subsection (j), are satisfied and proposals to site said improvements are first reviewed by the planning commission, with its recommendation forwarded to the appropriate board or commission for further consideration. Failure on the part of the planning commission to act on such proposals within 90 days of submission of a complete application shall be deemed to be an approval, unless the applicant agrees to an extension of time.
- (35) **Excavation, filling, borrow pit operation, extraction, processing or removal of soil** in all districts.

Provided that nothing herein shall be construed to require the securing of a use permit for the following: swimming pool construction, construction of foundation, landscaping activities on a single lot or parcel, the stripping of sod for agricultural purposes, an approved subdivision plan, activities in connection with a planned unit development, or activities in connection with an approved site plan. The controlled activity shall be subject to the following and subject to securing a use permit. In addition:

- (a) The minimum lot size for any use in this category shall be two (2) acres.

- (b) The excavations shall be confined to areas distant at least 100 feet from all adjoining property lines and distant at least 200 feet from any dwelling, existing street, or proposed right-of-way and all property lines in a platted subdivision, except that the provisions of this paragraph may be varied when the excavation lies completely within the external boundaries of an approved subdivision and is designed as an integral part thereof; provided that this section shall not apply to borrow pits located wholly within the bed of a navigable stream.
- (c) The areas for approved activities shall be delineated on a plat prepared by a certified land surveyor licensed to practice in the Commonwealth of Virginia.
- (d) No trees or other existing growth shall be removed from the site except in the area to be excavated and in the right- of-way of haul roads, except that an area not to exceed 10,000 square feet may be cleared for operational offices, shops, and storage areas. In all cases, existing vegetation shall not be removed immediately prior to excavation in that particular area.
- (e) Access shall not be from a minor residential street. All vehicular access from the premises on which such operations are conducted to any public roads shall be located to secure public safety, lessen congestion, and facilitate transportation, and shall be so maintained as to eliminate any nuisance from dust to neighboring properties. The city council may deny the application if it finds that excessive traffic congestion or street deterioration would result from the operation.
- (f) All equipment used for the production or transportation of materials shall be located, constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noises, vibrations, or dust which are injurious to persons living in the vicinity. Additional equipment not directly involved with the activity shall not be stored or maintained on the premises.
- (g) The slope of the banks of all excavations under this section shall be designed and maintained as follows: For the first 100 linear feet towards the center from the perimeter, the slope shall not be steeper than three (3) feet horizontal to one (1) foot vertical; for the second 100 linear feet, the slope shall not be steeper than two (2) feet horizontal to one (1) foot vertical; and for distances over 200 feet, the slope shall not be steeper than one (1) foot horizontal to one (1) foot vertical, unless soil or other conditions are such that a flatter slope is required to ensure adequate stability and safety.
- (h) The slope of the banks of any fill under this sub - section shall not exceed one and one-half (1) feet horizontal to one (1) foot vertical without the use of an approved retaining wall. A flatter slope than one and one-half (1) to one (1) may be required if the conditions of the fill material or other conditions are such that a flatter slope is necessary to ensure adequate stability and safety. When filling is to be done adjacent to tidal marshes, an earthen dike or berm shall be established around the portion adjacent to the marsh. The top of the slope of the bank of the dike may not be closer than 15 feet to the saltbush line or other evidence of the upper limits of the marsh, and the slope of the bank on the marsh side shall not exceed three (3) feet horizontal to one (1) foot vertical. A vegetative cover shall be established upon the dike.
- (i) A body of freestanding water will be permitted when the grades of slopes, depth of excavation, and run-off structures are approved as not creating a public nuisance or public health hazard. All woody vegetation and debris will be removed from all slopes prior to the pit being filled with water for a distance of 100 linear feet from the ultimate shore line.
- (j) A specific plan of systematic operation and rehabilitation shall be submitted and approved which shall provide in all respects for the adequate safeguarding and protection of other nearby interests and the general public health, safety, convenience, prosperity, and welfare, and

which shall include a plan and program showing, by contour maps and otherwise, how the land is to be restored to a safe, stable, usable, and generally attractive condition by regrading, draining, planting, or othersuitable treatment to resist erosion and conform substantially with adjacent land characteristics.

- (k) In the case of activities approved pursuant to this sub - section, a reduction in the size of the proposed project may be permitted provided that all other provisions of the section are met and provided that such reduction shall be approved by the director of community development.
- (l) In consideration of applications under this sub-subsection, the council may vary, alter, or modify the specific provisions set forth herein in order to provide for more effective land use and development; giving due regard to the uniqueness and particular characteristics of the parcel of land involved.

(36)**Promotional event** in the C-1, C-2, C-3, M-2, RT-1, DT-1, and DT-2 districts.

The following minimum conditions shall be met:

- (a) That an operating permit be secured from the zoning administrator at a cost of \$50.00 for each permit issued.
- (b) That the event conform and comply with the guidelines following:
  - (i) All rides shall be inspected and approved by the city building official for safety and soundness.
  - (ii) All rides shall be surrounded with a restraining barrier to limit access to the rides.
  - (iii) All electrical wiring shall, to the greatest extent possible, be placed in areas generally not open to the public or protected from public contact.
  - (iv)All facilities for the preparation or dispensing of food shall be approved by the city health official.
  - (v)The sponsors or operators of the event shall provide security forces adequate to maintain order at the site.
  - (vi)The event, if held in a parking area, shall not occupy more than 10% of the total parking area.
  - (vii)The sponsor or operator of the event shall provide proof of liability insurance in an amount predetermined by council.
  - (viii)The hours of operation shall be established at the time of application. However, no such event shall extend beyond the normal operating hour of the establishment being promoted.
  - (ix)The provisions of these regulations in no way exempts any such event from complying with all other state and local codes and ordinances.
  - (x)All animals in any event shall be inoculated as required and approved by the city health official.
  - (xi)Enclosures, buildings, shelters, and/or related equipment that may present a fire hazard

shall be inspected and approved for use by the fire marshal.

- (c) That any such event shall be limited to not more than 30 consecutive calendar days.
  - (d) That the zoning administrator shall not issue any operating permit if the proposed event would violate any provisions of the zoning ordinance or any other city codes or ordinances.
- (37)**Agriculture/farming** in the R-R district shall be on a lot with a minimum of three (3) acres.
- (38)**Kennel** in the R-R district shall have all buildings and areas used for such purposes located at least one hundred (100) feet from all side property lines.
- (39)**Silviculture/plant nursery, no retail sales** in the RT-1 district shall be on a minimum of five (5) acres.
- (40)**Motorcycle sales** in the C-2 district shall be within a wholly enclosed building.
- (41)**Motorcycle service** in the C-2 district shall be within a wholly enclosed building.
- (42)**Vehicle storage, including vehicle storage accessory to sales of new vehicles or gas station** in the C-2 district.

The following minimum conditions shall be met:

- (a) All storage areas shall be enclosed by a six (6) foot opaque fence.
  - (b) There shall be a landscaped buffer of 15 feet between the fence and any existing or proposed right-of-way.
  - (c) There shall be a landscaped buffer of 20 feet between the fence and any adjacent residential district or the property line of any existing dwelling unit.
  - (d) There shall be a landscaped buffer of 15 feet between the fence and any adjacent commercial property.
  - (e) When any yard area of a vehicle storage area abuts the front yard(s) of one (1) or more residential lots, all required fencing and all storage areas shall be set back a distance equal to the largest front setback of the dwelling(s) on the adjacent parcel(s).
- (43)**Ice storage and distribution** in the C-3 district shall have a maximum capacity of five (5) tons.
- (44)**Laboratory or research office** in the M-1, LFA-2 LFA-3, LFA-4, LFA-6, HRC-1, HRC-2, and HRC-3 districts shall not permit the testing of explosives.
- (45)**Boat sales** in the LFA-1 district shall be limited to 5000 square feet.
- (46)**Community garden** in all districts shall be permitted only:
- (a)As a primary use on city-owned vacant property, designated by city council, as set forth in the Community Garden Rules and Guidelines;
  - (b)As an accessory use on publicly-owned land; or
  - (c)As an accessory to a religious facility, educational, nonprofit, or charitable use.
- (47)**Micro-brewery/distillery/winery** in the DT-1 and DT-2 districts shall include a retail component which

is open to the general public.

## **CHAPTER 4 ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS**

### **ARTICLE 1 R-LL DISTRICT ONE FAMILY RESIDENTIAL**

#### **Sec. 4-1. Intent.**

**The purpose of the R-LL (Large Lot), One Family Residential District is to provide the opportunity for the development of quality housing products at the density envisioned by the Harris Creek Small Area Plan, adopted in February 2000. The development regulations in this chapter are designed to protect the existing rural nature of the area and encourage open space and aggregated green areas, thereby minimizing land disturbance and negative environmental impacts.**

#### **Sec. 4-2. Uses permitted.**

**Uses shall be permitted as set forth in chapter 3Uses Permitted.**

#### **Sec. 4-3. Height.**

**Buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.**

#### **Sec. 4-4. Lot area.**

- (1)All lots shall be a minimum of two and one-half (2) acres with a minimum frontage of one hundred fifty (150) feet.
- (2)In an effort to promote cluster development, the required lot area and public street frontage can be reduced by-right. The minimum two and one-half (2) acre lot area may be reduced to one (1) acre for detached, single-family dwellings so long as the remaining one and one-half (1) acres per unit are maintained as commonly held green space. In this circumstance, the required street frontage may be reduced to one hundred twenty (120) feet.

#### Sec. 4-5. Dwelling area

All dwellings shall contain a minimum of 2,250 square feet of heated living area; however, if a lot is created in an R-LL District through legal means other than city subdivision approval, any dwelling erected on such a lot shall have at least 1,620 square feet of heated living area.

#### Sec. 4-6. Building setback regulations

##### (1)Front yard.

The front yard setback shall be a minimum of thirty (30) feet; however, any lot of record existing prior to February 26, 2003 shall be required to have a front yard equal to the average front yard in the block on which it is located. Such yards shall never be less than twenty (20) feet in depth, and shall not be required to be more than sixty (60) feet in depth.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

##### (2)Side yard.

The depth of the two (2) side yards on any lot shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

##### (3)Rear yard.

The rear yard setback shall be a minimum of twenty (20) feet, provided if the total lot depth exceeds seventy-five (75) feet, additional rear yard depth is required. The rear yard shall be increased by an amount equal to one-third (1/3) of the lot depth over seventy-five (75) feet, but in no case shall any rear yard be required to be more than thirty-five (35) feet in depth.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-7-4-10. Reserved.

## ARTICLE 2 R-43 DISTRICT ONE FAMILY RESIDENTIAL

### Sec. 4-11. Intent

The purpose of the R-43, One Family Residential District is to provide the opportunity for the development of quality housing products at the density envisioned by the Harris Creek Small Area Plan, adopted in February 2000. The development regulations in this chapter are designed to protect the existing rural nature of the area and encourage open space and aggregated green areas, thereby minimizing land disturbance and negative environmental impacts.

### Sec. 4-12. Uses permitted

Uses shall be permitted as set forth in chapter 3Uses Permitted.

### Sec. 4-13. Height.

All buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

### Sec. 4-14. Lot area.

- (1)All lots shall be a minimum of one (1) acre with a minimum frontage of one hundred twenty (120) feet.
- (2)In an effort to promote cluster development, the required lot area and public street frontage can be reduced by-right. The minimum one (1) acre lot area may be reduced to three-fourths ( ) acre for detached, single-family dwellings so long as the remaining one-quarter ( ) acre per unit are maintained as commonly held green space. In this circumstance, the required street frontage may be reduced to one hundred (100) feet.

### Sec. 4-15. Dwelling area.

All dwellings shall contain a minimum of 2,250 square feet of heated living area; however, if a lot is created in an R-43 District through legal means other than city subdivision approval, any dwelling erected on such a

lot shall have at least 1,620 square feet of heated living area.

**Sec. 4-16. Building setback regulations.**

**(1)Front yard.**

The front yard setback shall be a minimum of thirty (30) feet; however, any lot of record existing prior to February 26, 2003 shall be required to have a front yard equal to the average front yard in the block on which it is located. Such yards shall never be less than twenty (20) feet in depth, and shall not be required to be more than sixty (60) feet in depth.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

**(2)Side yard.**

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

**(3)Rear yard.**

The rear yard shall be a minimum of twenty (20) feet, provided if the total lot depth exceeds seventy-five (75) feet, additional rear yard depth is required. The rear yard shall be increased by an amount equal to one-third (1/3) of the lot depth over seventy-five (75) feet, but in no case shall any rear yard be required to be more than thirty-five (35) feet in depth.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

**Secs. 4-17-4-20. Reserved.**

**ARTICLE 3 R-R DISTRICT RURAL ONE FAMILY RESIDENTIAL**

**Sec. 4-21. Uses permitted.**

Uses shall be permitted as set forth in chapter 3Uses Permitted. Additionally, the following standards shall apply:

(1)An accessory building or structure or use, including a private pier, private garage, guest house, or servant quarters, is permitted provided:

(a)That no guest house shall be located on a lot having an area less than 12,000 square feet;

(b)That no servant quarters are located in any accessory building on a lot containing less than ten thousand (10,000) square feet; provided further, no accessory building shall be constructed on a lot until the construction of the main building has been actually commenced and no accessory building shall be used unless the main building is completed and in use.

(2)One (1) temporary open air stand is permitted provided that it does not exceed an area of two hundred (200) square feet, for the display and sale of products on the premises.

#### Sec. 4-22. Height.

All buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

#### Sec. 4-23. Lot area.

All lots shall be a minimum of 6,000 square feet in area with a minimum frontage of 60 feet.

#### Sec. 4-24. Dwelling area.

All dwellings shall contain a minimum of 800 square feet of floor area.

#### Sec. 4-25. Building setback regulations.

##### (1)Front yard.

The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

**(2)Side yard.**

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

**(3)Rear yard.**

The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-26-4-30. Reserved.

## **ARTICLE 4 R-33 DISTRICT ONE FAMILY RESIDENTIAL**

**Sec. 4-31. Intent.**

The purpose of the R-33, One Family Residential District is to provide the opportunity for the development of quality housing products at a very low density that protects environmentally sensitive areas. The larger lot areas required in the R-33 District reduce the overall density of development, thereby reducing potential hazards and minimizing negative impacts in those areas where the infrastructure was not designed for moderate or high density development.

**Sec. 4-32. Uses permitted.**

Uses shall be permitted as set forth in chapter 3Uses Permitted.

**Sec. 4-33. Height.**

All buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

**Sec. 4-34. Lot area.**

All lots shall be a minimum of 33,000 square feet with a minimum frontage of one hundred twenty (120) feet.

**Sec. 4-35. Dwelling area.**

All dwellings shall contain a minimum of 2,000 square feet of heated living area; however, if a lot is created in an R-33 District through legal means other than city subdivision approval, any dwelling erected on such a lot shall have at least 1,500 square feet of heated living area.

**Sec. 4-36. Building setback regulations.**

**(1)Front yard.**

The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, not such front yard need be more than sixty (60) feet.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

**(2)Side yard.**

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a

side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

**(3)Rear yard.**

The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-37-4-40. Reserved.

**ARTICLE 5 R-22 DISTRICT ONE FAMILY RESIDENTIAL**

**Sec. 4-41. Intent.**

The purpose of the R-22, One Family Residential District is to provide the opportunity for the development of quality housing products at a low density that protects environmentally sensitive areas. The larger lot areas required in the R-22 District reduce the overall density of development, thereby reducing potential hazards and minimizing negative impacts in those areas where the infrastructure was not designed for moderate or high density development.

**Sec. 4-42. Uses permitted.**

Uses shall be permitted as set forth in chapter 3Uses Permitted.

**Sec. 4-43. Height.**

All buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

**Sec. 4-44. Lot area.**

All lots shall be a minimum of 22,000 square feet with a minimum frontage of one hundred ten (110) feet.

**Sec. 4-45. Dwelling area.**

All dwellings shall contain a minimum of 2,000 square feet of heated living area; however, if a lot is created in an R-22 District through legal means other than city subdivision approval, any dwelling erected on such a lot shall have at least fifteen hundred (1,500) square feet of heated living area.

**Sec. 4-46. Building setback regulations.**

**(1)Front yard.**

The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, not such front yard need be more than sixty (60) feet.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

**(2)Side yard.**

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

**(3)Rear yard.**

The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of

the property line shall be prohibited.

Secs. 4-47-4-50. Reserved.

## ARTICLE 6 R-15 DISTRICT ONE FAMILY RESIDENTIAL

Sec. 4-51. Uses permitted.

Uses shall be permitted as set forth in chapter 3Uses Permitted.

Sec. 4-52. Height.

Buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

Sec. 4-53. Lot area.

All lots shall be a minimum of 15,000 square feet with a minimum frontage of ninety (90) feet.

Sec. 4-54. Dwelling area.

All dwellings shall contain a minimum of 2,000 square feet of heated living area; however, if a lot is created in an R-15 District through legal means other than city subdivision approval, any dwelling erected on such a lot shall have at least 1,500 square feet of heated living area.

Sec. 4-55. Building setback regulations.

(1)Front yard.

The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, not such front yard need be more than

sixty (60) feet.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

**(2)Side yard.**

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

**(3)Rear yard.**

The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-56-4-60. Reserved.

**ARTICLE 7 R-13 DISTRICT ONE FAMILY RESIDENTIAL**

**Sec. 4-61. Uses permitted.**

Uses shall be permitted as set forth in chapter 3Uses Permitted.

**Sec. 4-62. Height.**

Buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

**Sec. 4-63. Lot area.**

All lots shall be a minimum of 12,000 square feet with a minimum frontage of eighty (80) feet.

**Sec. 4-64. Dwelling area.**

All dwellings shall contain a minimum of 2,000 square feet of heated living area; if an attached fully enclosed garage or porch on either end has the same type construction and exterior appearance as the dwelling, then two hundred (200) square feet of the floor area of either or both may be applied and considered a part of the 2,000 square feet, provided that screened-in porches shall not qualify for this credit.

**Sec. 4-65. Building setback regulations.**

**(1)Front yard.**

The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.

Colleges and public or private schools as may be permitted in this section shall be set back at least fifty (50) feet from the front property line and at least thirty (30) feet from all other boundary lines of the property.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

**(2)Side yard.**

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

**(3)Rear yard.**

The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-66-4-70. Reserved.

**ARTICLE 8 R-11 DISTRICT ONE FAMILY RESIDENTIAL**

**Sec. 4-71. Uses permitted.**

Uses shall be permitted as set forth in chapter 3Uses Permitted.

**Sec. 4-72. Height.**

Buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

**Sec. 4-73. Lot area.**

All lots shall be a minimum of 9,000 square feet with a minimum frontage of seventy (70) feet.

**Sec. 4-74. Dwelling area.**

All dwellings shall contain a minimum of 1,700 square feet of heated living area; if an attached fully enclosed garage or porch on either end has the same type construction and exterior appearance as the dwelling, then two hundred (200) square feet of the floor area of either or both may be applied and considered a part of the 1,700 square feet, provided that screened-in porches shall not qualify for this credit feet.

**Sec. 4-75. Building setback regulations.**

**(1)Front yard.**

The front yard setback shall be a minimum of 30 feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.

Colleges and public or private schools as may be permitted in this section shall be set back at least fifty (50) feet from the front property line and at least thirty (30) feet from all other boundary lines of the property.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

**(2)Side yard.**

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

**(3)Rear yard.**

The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

**Secs. 4-76-4-80. Reserved.**

**ARTICLE 9 R-9 DISTRICT ONE FAMILY RESIDENTIAL**

**Sec. 4-81. Uses permitted.**

Uses shall be permitted as set forth in chapter 3Uses Permitted.

**Sec. 4-82. Height.**

Buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

**Sec. 4-83. Lot area.**

All lots shall be a minimum of 6,000 square feet with a minimum frontage of sixty (60) feet.

**Sec. 4-84. Dwelling area.**

All dwellings shall contain a minimum of 1,500 square feet of heated living area; if an attached fully enclosed garage or porch on either end has the same type construction and exterior appearance as the dwelling, then two hundred (200) square feet of the floor area of either or both may be applied and considered a part of the 1,500 square feet, provided that screened-in porches shall not qualify for this credit.

**Sec. 4-85. Building setback regulations.**

**(1)Front yard.**

The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.

Colleges and public or private schools as may be permitted in this section shall be set back at least fifty (50) feet from the front property line and at least thirty (30) feet from all other boundary lines of the property.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

**(2)Side yard.**

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

**(3)Rear yard.**

The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-86-4-90. Reserved.

**ARTICLE 10 R-8 DISTRICT TWO FAMILY RESIDENTIAL**

**Sec. 4-91. Uses permitted.**

Uses shall be permitted as set forth in chapter 3Uses Permitted.

**Sec. 4-92. Height.**

Buildings shall be a maximum of thirty-five (35) feet in height; provided that the height limit for any building may be increased to not more than forty-five (45) feet when side yards of not less than twenty-five (25) feet each are provided.

**Sec. 4-93. Lot area.**

**(1)One-family dwelling: all lots shall be a minimum of 6,000 square feet with a minimum frontage of**

sixty (60) feet.

(2)Two-family dwelling: all lots shall be a minimum of 6,000 square feet with a minimum frontage of sixty (60) feet.

(3)Duplex unit: all lots shall be a minimum of 4,000 square feet with a minimum frontage of forty (40) feet.

**Sec. 4-94. Dwelling area.**

(1)One-family dwelling: all dwellings shall contain a minimum of 1,300 square feet of heated living area.

(2)Two-family dwelling: all dwellings shall contain a minimum of eight hundred (800) square feet of heated living area per each dwelling unit.

(3)Duplex unit: all dwellings shall contain a minimum of 1,300 square feet of heated living area.

If an attached fully enclosed garage or porch on either end has the same type construction and exterior appearance as the dwelling, then two hundred (200) square feet of the floor area of either or both may be applied and considered a part of the minimum square footage, provided that screened-in porches shall not qualify for this credit.

**Sec. 4-95. Building setback regulations.**

**(1)Front yard.**

The front yard setback shall be a minimum of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.

Colleges and public or private schools as may be permitted in this section shall be set back at least fifty (50) feet from the front property line and at least thirty (30) feet from all other boundary lines of the property.

Religious facilities shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.

**(2)Side yard.**

The depth of the two (2) side yards shall total at least twenty-five (25) percent of the lot width, measured at the front setback line. No individual side yard shall be less than ten (10) percent of the lot width unless the total side yard depth is required to be twenty-five (25) feet or more. In that case, one (1) of the side yards may be reduced to ten (10) feet in depth, with the balance of the twenty-five (25) percent located in the remaining side yard. Any side yard along the side

street of a corner lot shall not be less than fifteen (15) feet.

Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 may have a side yard of not less than five (5) feet on each side.

Religious facilities shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

**(3)Rear yard.**

The rear yard setback shall be a minimum of twenty (20) feet, provided if the depth of the lot is greater than seventy-five (75) feet, the required depth of the rear yards shall be increased by an amount equal to one-third (1/3) of the excess depth over seventy-five (75) feet; however, no such rear yard need be more than thirty-five (35) feet.

Religious facilities shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 4-96-4-100. Reserved.

## **ARTICLE 11 R-4 DISTRICT ONE FAMILY RESIDENTIAL**

### **Sec. 4-101. Intent and application of the district.**

This district is intended to accommodate the orderly development of residential neighborhoods in traditional lot patterns as found in the city's earlier neighborhoods. This district is also intended to facilitate development of sizable infill parcels within established neighborhoods in a compatible manner. Such development makes efficient use of available land in well-connected patterns helping to create a pedestrian friendly environment.

Application of this district shall be limited to two (2) scenarios:

- (1)Contiguous lots collectively comprising a minimum of 24,000 square feet of land area to justify consideration for applying the R-4 District within the context of the recommendations of the comprehensive plan and the surrounding zoning and development pattern; or**
- (2)Geographic areas within the boundaries of adopted master plans, small area plans or neighborhood plans which recommend residential development on lots meeting R-4 standards and are further governed by a city adopted pattern book to which any development shall conform.**

Sec. 4-102. Uses permitted.

Uses shall be permitted as set forth in chapter 3Uses Permitted.

**Sec. 4-103. Height.**

Buildings shall be a maximum of thirty-five (35) feet in height.

**Sec. 4-104. Lot area.**

- (1) A lot served by an alley shall contain a minimum of 4,000 square feet and such lot shall have a minimum frontage of forty (40) feet, unless located on a corner, in which case the lot shall contain a minimum of 5,000 square feet and such lot shall have a minimum frontage of fifty (50) feet; or
- (2) Lots without alley access shall contain a minimum of 5,000 square feet and such lot shall have a minimum frontage of fifty (50) feet.

**Sec. 4-105. Dwelling area.**

All dwellings shall contain a minimum of 1,200 square feet of heated living area.

**Sec. 4-106. Building setback regulations.**

**(1) Front yard.**

- (a) The front yard setback shall be a minimum of fifteen (15) feet for single-family homes.
- (b) Religious facilities and other places of assembly shall be set back at least twenty (20) feet. Parking shall be prohibited within this required setback.

**(2) Side yard.**

- (a) The side yard setback shall be a minimum of five (5) feet for single-family homes, unless on a corner lot.
- (b) The side yard setback shall be a minimum of fifteen (15) feet for single-family homes on a corner lot.
- (c) Religious facilities and other places of assembly shall provide minimum side yards of twenty (20) feet. Parking shall be prohibited within this required setback.

**(3)Rear yard.**

- (a)The rear yard setback shall be a minimum of fifteen (15) feet for single-family homes. Garages, as permitted in this section, shall have a minimum setback of five (5) feet.**
- (b)Religious facilities shall provide a minimum rear yard of thirty (30) feet. Parking within ten (10) feet of the rear property line shall be prohibited.**

**Sec. 4-107. Connectivity of streets.**

**Regular intersections with through streets shall be created at a intervals no greater than eight hundred (800) feet, except for places where connections cannot be made because of physical obstacles, such as construction of existing buildings, wetlands, water bodies, railroad and utility rights-of-way, existing limited access rights-of-way, and parks or dedicated open space. New streets and street extensions shall align with existing streets and creating regular blocks as much as practicable. Cul-de-sacs shall not be utilized to the extent practicable.**

**Sec. 4-108. Additional regulations.**

**Upon the approval of the rezoning of property to R-4 the following additional regulations shall apply.**

- (1)For structures to be constructed on R-4 lots, the following shall be submitted to the zoning administrator for approval:**
  - (a)A plat showing a footprint of the proposed structure(s) along with the location of any proposed driveways, alleys, parking aprons, or similar feature.**
  - (b)Building elevations including description of proposed materials.**
  - (c)Floor plans.**
  - (d)A landscape plan.**
- (2)The zoning administrator shall review the documents and render a determination, in writing, as to whether the proposed structure is consistent with either:**
  - (a)The adopted pattern book, if one (1) has been adopted by the city for the geographic area, in which the proposed R-4 structure is to be constructed; or**
  - (b)If a pattern book has not been adopted by the city for the geographic area in which the proposed R-4 structure is to be constructed, the general visual character, placement and architectural scale (size, height, bulk, etc.) of existing single-family homes within three hundred (300) feet in all directions from the subject lot's property lines.**

**Secs. 4-109-4-110. Reserved.**

**CHAPTER 5 MULTIFAMILY RESIDENTIAL DISTRICTS**

**ARTICLE 1 R-M DISTRICT MULTIPLE RESIDENTIAL**

**Sec. 5-1. Uses permitted.**

Uses shall be permitted as set forth in chapter 3Uses Permitted.

**Sec. 5-2. Height regulations.**

No building in an R-M District shall exceed three (3) stories or fifty-one (51) feet in height, provided that the height limit of any building may be increased to no more that sixty-eight (68) feet, but not more than four (4) stories when side yards of not less than twenty-five (25) feet are provided; however, buildings may be increased an additional five (5) feet in height for each additional ten (10) feet of side yard.

**Sec. 5-3. Lot area.**

- (1)No one-family dwelling in an R-M District shall be erected or placed on a lot or building site containing less than six thousand (6,000) square feet and such lot shall have a minimum frontage of sixty (60) feet.
- (2)No two-family dwelling in an R-M District shall be erected or placed on a lot or building site containing less than six thousand (6,000) square feet, and such lot shall have a minimum frontage of sixty (60) feet.
- (3)No duplex dwelling unit in an R-M District shall be erected or placed on a lot or building site containing less than four thousand (4,000) square feet, and such lot shall have a minimum frontage of forty (40) feet.
- (4)The use of all rooms shall be clearly defined on the plans submitted with the application for a building permit.
  - (a)The minimum lot area of each family or apartment unit in any R-M District shall be as follows:

Size of apartment unit, by number of bedrooms	Lot area required for each apartment unit
Studio/efficiency	800 sq. ft.

1-bedroom	1200 sq. ft.
2-bedroom	1600 sq. ft.
3-bedroom or more	1800 sq. ft.

(b)No building in an R-M District shall hereafter be erected or altered to provide for three (3) or more family or apartment units on any lot containing less than six thousand (6,000) square feet of lot area and average width of sixty (60) feet of lot width. The minimum width and area requirements of this paragraph shall not be altered or varied by any commission, board, or administrator.

**Sec. 5-4. Dwelling area.**

**No dwelling in an R-M District shall be erected having a floor area of less than eight hundred (800) square feet. Duplex or semi-detached units shall contain not less than six hundred (600) square feet each. These minimum areas shall be exclusive of attached garages, carports, porches, patios, breezeways, or utility rooms.**

**Sec. 5-5. Building setback regulations.**

**(1)Front yard. There shall be a front yard in an R-M District having a depth of thirty (30) feet; however, lots of record prior to the adoption of this ordinance shall have a front yard equal to the average front yard in the block, but in no case less than twenty (20) feet; however, no such front yard need be more than sixty (60) feet.**

**Colleges and public or private schools, as may be permitted in this section, shall be set back at least fifty (50) feet from the front street line and at least thirty (30) feet from all other boundary lines of the property.**

**Religious facilities, as may be permitted in this section, shall be set back at least thirty (30) feet from the front property line; parking within this setback shall be prohibited.**

**(2)Side yard. There shall be a side yard in an R-M District along each side of each building, and the sum of the sides thereof shall be not less than twenty-five (25) percent of the lot's width measured at the building setback line. The minimum width of any such side yard shall be ten (10) percent of the lot's width, except that if the total required width of the two (2) side yards is twenty-five (25) feet or more, one (1) need not be more than ten (10) feet in width. The side yard along the side street of a corner lot shall not be less than fifteen (15) feet.**

**Lots having a width of forty (40) feet or less and of record prior to January 27, 1960 shall have a side yard setback of not less than five (5) feet on each side.**

**Religious facilities, as may be permitted in this section, shall provide side yards, the total of which shall be twenty-five (25) percent of the lot width, with a minimum individual side yard of**

thirty (30) feet. Parking within ten (10) feet of the property line shall be prohibited.

(3)Rear yard. There shall be a rear yard in an R-M District having a depth of not less than twenty (20) feet provided that if the depth of the lot is greater than seventy-five (75) feet, the required depth shall be increased by an amount equal to one-third (1/3) of the rear yard depth over seventy-five (75) feet; however, no such rear yard shall need be more than thirty-five (35) feet in depth. Every rear yard shall extend to and be measured from the rearmost portion of the main building.

Colleges and public or private schools, as may be permitted in this section, shall set back at least fifty (50) feet from the front street line and at least thirty (30) feet from all other boundary lines of the property.

Religious facilities, as may be permitted in this section, shall provide a rear yard of thirty (30) feet; parking within ten (10) feet of the property line shall be prohibited.

Secs. 5-6-5-10. Reserved.

## ARTICLE 2 MD-1 DISTRICT TOWNHOUSE MULTIFAMILY RESIDENTIAL

Sec. 5-11. Uses permitted.

Uses shall be permitted as set forth in chapter 3Uses Permitted.

Sec. 5-12. Homeowners' association.

In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The city shall be kept notified of the party responsible for commonly-owned property.

Sec. 5-13. Building size.

(1)Buildings and structures shall be permitted up to a height of thirty-six (36) feet; the limit for any building may be increased to forty-one (41) feet when side yards of at least thirty (30) feet each are provided.

(2)Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.

**Sec. 5-14. Lot area.**

Townhouse and multi-family development shall be permitted on lots with a minimum of twenty thousand (20,000) square feet.

**Sec. 5-15. Dwelling area.**

The minimum dwelling area of all units shall equal that of the least restrictive, adjacent single-family district; if there is no adjacent single-family district, the minimum dwelling area shall be nine hundred (900) square feet.

**Sec. 5-16. Density.**

Residential development shall be permitted a maximum density of ten (10) units per buildable acre.

**Sec. 5-17. Building setback regulations.**

**(1) Residential uses.**

**(a) Setbacks from project property lines.**

- (i) Front yard.** All structures shall be set back at least twenty (20) feet from the front project property line; however, if the property is adjacent to any single-family or duplex residential district, all structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.
- (ii) Side yard.** All structures shall be set back from the side project property lines, with one (1) side yard equal to ten (10) percent, and the other equal to fifteen (15) percent, of the lot width as measured at the front setback line. Except for the provisions of subsection 5-8(1) above, the total of the two (2) side yards shall not be required to exceed forty (40) feet. Parking within this side yard shall be prohibited.
- (iii) Rear yard.** All structures shall be set back at least twenty (20) feet from the rear project property line. Parking within this required rear yard shall be prohibited.

**(b) Setbacks from fee-simple lot lines.**

- (i) Front yard.** All dwelling units shall be set back at least eight (8) feet from the front fee-simple lot line; however, if the front fee-simple lot line is the same as any project

property line, the setbacks in subsection 5-12(1)(a) shall apply, in addition to the eight (8) feet required herein.

(ii)Side yard. No side yard shall be required unless the side fee-simple lot line is the same as any project property line; in which case the setbacks in subsection 5-12(1)(a) shall apply.

(iii)Rear yard. All dwelling units shall be set back at least twenty (20) feet from the rear fee-simple lot line; however, if the rear fee-simple lot line is the same as any project property line, the setbacks in subsection 5-12(1)(a) shall apply, in addition to the twenty (20) feet required herein.

(c)Distance between improvements.

(i)For any townhouse or multi-family dwelling project with all buildings less than or equal to thirty-six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(ii)Projects with one (1) or more buildings in excess of thirty-six (36) feet in height shall provide a twenty-five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(2)Colleges and public or private schools, as may be permitted in this section, shall be set back at least fifty (50) feet from the front property line and thirty (30) feet from the side and rear property lines.

(3)Religious facilities, as may be permitted in this section, shall be set back at least thirty (30) feet from the front property line; parking within this required setback shall be prohibited. Side setbacks of at least thirty (30) feet each shall be provided, and the sum of such side yards shall equal at least twenty-five (25) percent of the lot width. A setback of at least thirty (30) feet shall be provided from the rear property line. Parking within ten (10) feet of any side or rear property line is prohibited.

#### Sec. 5-18. Lot coverage and green area.

(1)Buildings and structures, exclusive of physical recreational amenities, shall be permitted a total lot coverage of twenty (20) percent.

(2)A minimum of forty (40) percent of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.

(a)A maximum of twenty-five (25) percent of this requirement may be water area.

(b)A maximum of fifty (50) percent of this requirement may be within the footprint of physical recreational amenities.

(3)In order to encourage the provision of active recreation areas within townhouse and multiple dwelling developments, density bonuses shall be granted to those developments meeting all the

criteria for active recreation areas:

- (a) Fifty (50) percent of the required green is active recreation area.
  - (b) The minimum dimension of any active recreation area is fifty (50) feet.
  - (c) Each dwelling unit is within five hundred (500) feet of an active recreation area.
  - (d) If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.
- (4) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 5-13(3) above for each of the following facilities:
- (a) Swimming pool;
  - (b) Clubhouse;
  - (c) Lighted tennis court;
  - (d) Lighted basketball court;
  - (e) Nine-hole golf course;
  - (f) Dock, pier, or boat ramp;
  - (g) Shuffleboard area; or
  - (h) On-site day care.

In no case, however, will the total bonus granted under these provisions exceed ten (10) units for the entire development.

Secs. 5-19-5-20. Reserved.

### ARTICLE 3 MD-2 DISTRICT MULTIFAMILY RESIDENTIAL

Sec. 5-21. Uses permitted.

Uses shall be permitted as set forth in chapter 3 Uses Permitted.

Sec. 5-22. Homeowners' association.

In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for

any and all commonly-owned property. The city shall be kept notified of the party responsible for commonly-owned property.

**Sec. 5-23. Building size.**

- (1) Buildings and structures shall be permitted up to a height of thirty-six (36) feet; the limit shall be increased to forty-one (41) feet when side yards of at least thirty (30) feet each are provided.
- (2) Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.

**Sec. 5-24. Lot area.**

Townhouse and multi-family development shall be permitted on lots of a minimum of one (1) acre.

**Sec. 5-25. Dwelling area.**

- (1) Townhouse units shall have a minimum dwelling area of nine hundred (900) square feet.
- (2) Multi-family units shall have a minimum dwelling area of five hundred (500) square feet.

**Sec. 5-26. Density.**

Residential development shall be permitted a maximum density of sixteen (16) units per buildable acre.

**Sec. 5-27. Building setback regulations.**

- (1) Residential uses.
  - (a) Setbacks from project property lines.
    - (i) Front yard. All structures shall be set back at least twenty (20) feet from the front project property line; however, if the property is adjacent to any single-family or duplex residential district, all structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.
    - (ii) Side yard. All structures shall be set back from the side project property lines, with one (1) side yard equal to ten (10) percent, and the other equal to fifteen (15) percent, of the

lot width as measured at the front setback line. Except for the provisions of subsection 5-16(1) above, the total of the two (2) side yards shall not be required to exceed forty (40) feet. Parking within this side yard shall be prohibited.

(iii)Rear yard. All structures shall be set back at least twenty (20) feet from the rear project property line. Parking within this required rear yard shall be prohibited.

(b)Setbacks from fee-simple lot lines.

(i)Front yard. All dwelling units shall be set back at least eight (8) feet from the front fee-simple lot line; however, if the front fee-simple lot line is the same as any project property line, the setbacks in subsection 5-20(1)(a) shall apply, in addition to the eight (8) feet required herein.

(ii)Side yard. No side yard shall be required unless the side fee-simple lot line is the same as any project property line; in which case the setbacks in subsection 5-20(1)(a) shall apply.

(iii)Rear yard. All dwelling units shall be set back at least twenty (20) feet from the rear fee-simple lot line; however, if the rear fee-simple lot line is the same as any project property line, the setbacks in subsection 5-20(1)(a) shall apply, in addition to the twenty (20) feet required herein.

(c)Distance between improvements.

(i)For any townhouse or multi-family dwelling project with all buildings less than or equal to thirty six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(ii)Projects with one (1) or more buildings in excess of thirty-six (36) feet in height shall provide a twenty-five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(2)Colleges and public or private schools, as may be permitted in this section, shall be set back at least fifty (50) feet from the front property line and thirty (30) feet from the side and rear property lines.

(3)Religious facilities, as may be permitted in this section, shall be set back at least thirty (30) feet from the front property line; parking within this required setback shall be prohibited. Side setbacks of at least thirty (30) feet each shall be provided, and the sum of such side yards shall equal at least twenty-five (25) percent of the lot width. A setback of at least thirty (30) feet shall be provided from the rear property line. Parking within ten (10) feet of any side or rear property line is prohibited.

#### **Sec. 5-28. Lot coverage and green area.**

(1)Buildings and structures, exclusive of physical recreational amenities, shall be permitted a total lot coverage of twenty (20) percent.

(2)A minimum of forty (40) percent of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.

(a)A maximum of twenty-five (25) percent of this requirement may be water area.

(b) A maximum of fifty (50) percent of this requirement may be within the footprint of physical recreational amenities.

(3) In order to encourage the provision of active recreation areas within townhouse and multiple dwelling developments, density bonuses shall be granted to those developments meeting all the criteria for active recreation areas:

(a) Fifty (50) percent of the required green is active recreation area.

(b) The minimum dimension of any active recreation area is fifty (50) feet.

(c) Each dwelling unit is within five hundred (500) feet of an active recreation area.

(d) If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.

(4) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 5-21(3) for each of the following facilities:

(a) Swimming pool;

(b) Clubhouse;

(c) Lighted tennis court;

(d) Lighted basketball court;

(e) Nine-hole golf course;

(f) Dock, pier, or boat ramp;

(g) Shuffleboard area; or

(h) On-site day care.

In no case, however, will the total bonus granted under these provisions exceed ten (10) units for the entire development.

**Secs. 5-29-5-30. Reserved.**

## **ARTICLE 4 MD-3 DISTRICT MULTIFAMILY RESIDENTIAL**

**Sec. 5-31. Uses permitted.**

**Uses shall be permitted as set forth in chapter 3 Uses Permitted.**

**Sec. 5-32. Homeowners' association.**

In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The city shall be kept notified of the party responsible for commonly-owned property.

**Sec. 5-33. Building size.**

(1) Buildings and structures shall be permitted up to a height of fifty-six (56) feet.

(2) Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.

**Sec. 5-34. Lot area.**

Townhouse and multi-family developments shall be permitted on lots of a minimum of two (2) acres.

**Sec. 5-35. Dwelling area.**

(1) Townhouse units shall have a minimum dwelling area of nine hundred (900) square feet.

(2) Multi-family units shall have a minimum dwelling area of five hundred (500) square feet.

**Sec. 5-36. Density.**

Residential development shall be permitted a maximum density of twenty (20) units per buildable acre.

**Sec. 5-37. Building setback regulations.**

(1) Residential uses.

(a) Setbacks from project property lines.

(i) Front yard. All structures shall be set back at least twenty (20) feet from the front project property line; however, if the property is adjacent to any single-family or

duplex residential district, all structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.

(ii)Side yard. All structures shall be set back from the side project property lines, with one (1) side yard equal to ten (10) percent, and the other equal to fifteen (15) percent, of the lot width as measured at the front setback line. In any case, the total of the two (2) side yards shall not be required to exceed forty (40) feet. Parking within this side yard shall be prohibited.

(iii)Rear yard. All structures shall be set back at least twenty (20) feet from the rear project property line. Parking within this required rear yard shall be prohibited.

(b)Setbacks from fee-simple lot lines.

(i)Front yard. All dwelling units shall be set back at least eight (8) feet from the front fee-simple lot line; however, if the front fee-simple lot line is the same as any project property line, the setbacks in subsection 5-28(1)(a) shall apply, in addition to the eight (8) feet required herein.

(ii)Side yard. No side yard shall be required unless the side fee-simple lot line is the same as any project property line; in which case the setbacks in subsection 5-28(1)(a) shall apply.

(iii)Rear yard. All dwelling units shall be set back at least twenty (20) feet from the rear fee-simple lot line; however, if the rear fee-simple lot line is the same as any project property line, the setbacks in subsection 5-28(1)(a) shall apply, in addition to the twenty (20) feet required herein.

(c)Distance between improvements.

(i)For any townhouse or multi-family dwelling project with all building less than or equal to thirty-six (36) feet in height, there shall be provided a sixteen-foot radius between all structures or improvements, exclusive of surface parking and walkways.

(ii)Projects with one (1) or more buildings in excess of thirty-six (36) feet in height shall provide a twenty-five-foot radius between all structures or improvements, exclusive of surface parking and walkways.

(2)Colleges and public or private schools, as may be permitted in this section, shall be set back at least fifty (50) feet from the front property line and thirty (30) feet from the side and rear property lines.

(3)Religious facilities, as may be permitted in this section, shall be set back at least thirty (30) feet from the front property line; parking within this required setback shall be prohibited. Side setbacks of at least thirty (30) feet each shall be provided, and the sum of such side yards shall equal at least twenty-five (25) percent of the lot width. A setback of at least thirty (30) feet shall be provided from the rear property line. Parking within ten (10) feet of any side or rear property line is prohibited.

**(1) Buildings and structures, exclusive of physical recreational amenities, shall be permitted a total lot coverage of twenty (20) percent.**

**(2) A minimum of forty (40) percent of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight-foot front and twenty-foot rear yards within fee-simple lots.**

**(a) A maximum of twenty-five (25) percent of this requirement may be water area.**

**(b) A maximum of fifty (50) percent of this requirement may be within the footprint of physical recreational amenities.**

**(3) In order to encourage the provision of active recreation areas within townhouse and multiple dwelling developments, density bonuses shall be granted to those developments meeting all the criteria for active recreation areas:**

**(a) Fifty (50) percent of the required green is active recreation area.**

**(b) The minimum dimension of any active recreation area is fifty (50) feet.**

**(c) Each dwelling unit is within five hundred (500) feet of an active recreation area.**

**(d) If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.**

**(4) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 5-29(3) for each of the following facilities:**

**(a) Swimming pool;**

**(b) Clubhouse;**

**(c) Lighted tennis court;**

**(d) Lighted basketball court;**

**(e) Nine-hole golf course;**

**(f) Dock, pier, or boat ramp;**

**(g) Shuffleboard area; or**

**(h) On-site day care.**

**In no case, however, will the total bonus granted under these provisions exceed ten (10) units for the entire development.**

**Secs. 5-39-5-40. Reserved.**

## **ARTICLE 5 MD-4 DISTRICT MULTIFAMILY RESIDENTIAL**

**Sec. 5-41. Uses permitted.**

Uses shall be permitted as set forth in chapter 3Uses Permitted.

**Sec. 5-42. Homeowners' association.**

**In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. The homeowners' association documents shall be reviewed and approved by the city attorney prior to recordation.**

**Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The city shall be kept notified of the party responsible for commonly-owned property.**

**Sec. 5-43. Lot area.**

**No minimum lot area required except that which is required to meet the minimum required building setbacks for each type of permitted structure and the required off-street parking.**

**Sec. 5-44. Dwelling area.**

**(1)Townhouse units shall have a minimum dwelling area of nine hundred (900) square feet.**

**(2)Multi-family units shall have a minimum dwelling area of five hundred (500) square feet.**

**Sec. 5-45. Setback regulations.**

**(1)Front yard.**

**(a)Multi-family: There shall be no minimum front yard setback with a maximum of twenty-five (25) feet.**

**(b)Townhouse: There shall be no minimum front yard setback with maximum of twenty (20) feet.**

**Parking within the front yard shall be prohibited.**

(2)Side yard.

There shall be no minimum side yard setback unless the property abuts a one-family residential district in which case the minimum shall be twenty (20) feet.

(3)Rear yard.

The rear yard setback shall be twenty (20) feet unless the property abuts a one-family residential district in which case the minimum shall be thirty (30) feet.

**Secs. 5-46-5-50. Reserved.**

## **CHAPTER 6 COMMERCIAL DISTRICTS**

### **ARTICLE 1 C-1 DISTRICT NEIGHBORHOOD COMMERCIAL**

#### **Sec. 6-1. Uses permitted.**

**Uses shall be permitted as set forth in chapter 3Uses Permitted.**

#### **Sec. 6-2. Development standards in general.**

**(1)Limitations.**

**Permitted stores, shops, offices, or businesses, except gasoline supply stations and parking lots, shall be conducted wholly within an enclosed building and no more than fifty (50) percent of the floor area of any building shall be used for the storage of merchandise.**

**(2)Accessory structures.**

**(a)Accessory structures shall not cover more than twenty (20) percent of the rear yard.**

**(b)No accessory structure shall be located closer than five (5) feet to the rear property line.**

**(c)No accessory structure shall be located closer than three (3) feet to the side property line.**

#### **Sec. 6-3. Development standards for all uses other than townhouses and multiple dwellings.**

**(1)Height.**

**Maximum of two and one-half (2) stories or thirty-five (35) feet in height, provided that the height limit may be increased to not more than forty-five (45) feet, but not to exceed three (3) stories when side yards of not less than fifty (50) feet each are provided.**

**(2)Green area shall be provided as specified in chapter 1, section 1-30.**

**Sec. 6-4. Development standards for townhouses and multiple dwellings.**

**(1)Homeowners' association.**

**In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The city shall be kept notified of the party responsible for commonly-owned property.**

**(2)Height and building size.**

**(a)Buildings and structures shall be permitted up to a height of thirty-six (36) feet; the limit for any building may be increased to forty-one (41) feet when side yards of at least thirty (30) feet each are provided.**

**(b)Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.**

**(3)Lot area.**

**Lots shall have a minimum of twenty thousand (20,000) square feet.**

**(4)Dwelling area.**

**The minimum dwelling area of all units shall equal that of the least restrictive, adjacent single-family district; if there is no adjacent single-family district, the minimum dwelling area shall be nine hundred (900) square feet.**

**(5)Density.**

**The maximum density shall be ten (10) units per buildable acre.**

**(6)Lot coverage and green area.**

**(a)The maximum lot coverage, exclusive of physical recreational amenities, shall be twenty (20) percent.**

**(b)A minimum of forty (40) percent of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.**

- (i) A maximum of twenty-five (25) percent of this requirement may be water area.
  - (ii) A maximum of fifty (50) percent of this requirement may be within the footprint of physical recreational amenities.
- (c) In order to encourage the provision of active recreation areas, density bonuses shall be granted to developments meeting all the criteria for active recreation areas:
- (i) Fifty (50) percent of the required green is active recreation area.
  - (ii) The minimum dimension of any active recreation area is fifty (50) feet.
  - (iii) Each dwelling unit is within five hundred (500) feet of an active recreation area.
  - (iv) If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.
- (d) A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection 6-4(6)(c) for each of the following facilities:
- (i) Swimming pool;
  - (ii) Clubhouse;
  - (iii) Lighted tennis court;
  - (iv) Lighted basketball court;
  - (v) Nine-hole golf course;
  - (vi) Dock, pier, or boat ramp;
  - (vii) Shuffleboard area; or
  - (viii) On-site day care.

In no case, however, will the total bonus granted under these provisions exceed ten (10) units for the entire development.

**Sec. 6-5. Setback regulations for all uses other than townhouses and multiple dwellings.**

**(1) Front yard.**

No front yard is required.

**(2) Side yard.**

No side yard is required except as follows:

- (a) Where a lot adjoins a residential district, a side yard of ten (10) percent of the lot's width

shall be provided, but in no case less than ten (10) feet.

(b)The side yard along the side street of a corner lot shall be not less than fifteen (15) feet in width.

(c)Where dwelling units are provided in conjunction with any commercial use, and in which all rooms do not open onto a front or rear yard, there shall be provided side yards of not less than ten (10) feet in width.

**(3)Rear yard.**

There shall be a rear yard having a depth of not less than ten (10) percent of the depth of the lot, but such rear yard need not exceed thirty (30) feet, and shall have a minimum depth of twenty (20) feet.

**Sec. 6-6. Setback regulations for townhouses and multiple dwellings.**

**(1)Setbacks from project property lines.**

**(a)Front yard.**

The front yard setback shall be a minimum of twenty (20) feet; however, if the property is adjacent to any single-family or duplex residential district, all structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.

**(b)Side yard.**

One (1) side yard equal to ten (10) percent and the other equal to fifteen (15) percent of the lot width as measured at the front setback line. Except for the provisions of section 6-4(2)(a) above, the total of the two (2) side yards shall not be required to exceed forty (40) feet. Parking within this side yard shall be prohibited.

**(c)Rear yard.**

The rear yard setback shall be a minimum of twenty (20) feet. Parking within this required rear yard shall be prohibited.

**(2)Setbacks from fee-simple lot lines.**

**(a)Front yard.**

The front yard setback shall be a minimum of eight (8) feet; however, if the front fee-simple lot line is the same as any project property line, the setbacks in subsection 6-6(1)(a) shall apply, in addition to the eight (8) feet required herein.

**(b)Side yard.**

No side yard setback is required unless the side fee-simple lot line is the same as any project property line; in which case the setbacks in subsection 6-6(1)(b) shall apply.

**(c)Rear yard.**

The rear yard setback shall be a minimum of twenty (20) feet; however, if the rear fee-simple lot line is the same as any project property line, the setbacks in subsection 6-6(1)(c) shall apply, in addition to the twenty (20) feet required herein.

**(3)Distance between improvements.**

**(a)For any townhouse or multiple dwelling project with all buildings less than or equal to thirty-six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.**

**(b)Projects with one (1) or more buildings in excess of thirty-six (36) feet in height shall provide a twenty-five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.**

**Secs. 6-7-6-10. Reserved.**

**ARTICLE 2 C-2 DISTRICT LIMITED COMMERCIAL**

**Sec. 6-11. Uses permitted.**

**Uses shall be permitted as set forth in chapter 3Uses Permitted.**

**Sec. 6-12. Development standards for all uses other than townhouses and multiple dwellings.**

**(1)Height.**

**Maximum of two and one-half (2) stories or thirty-five (35) feet in height, provided that the height limit may be increased provided that all height greater than thirty-five (35) feet shall set back from all required front, side, and rear yards one (1) foot for each three (3) feet of such additional height.**

**(2)Green area shall be provided as specified in chapter 1, section 1-30.**

**Sec. 6-13. Development standards for townhouses and multiple dwellings.**

**(1)Homeowners' association.**

**In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common**

ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The city shall be kept notified of the party responsible for commonly-owned property.

**(2)Height and building size.**

**(a)Buildings and structures shall be permitted up to a height of thirty-six (36) feet; the limit for any building may be increased to forty-one (41) feet when side yards of at least thirty (30) feet each are provided.**

**(b)Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.**

**(3)Lot area.**

**Lots shall have a minimum of twenty thousand (20,000) square feet.**

**(4)Dwelling area.**

**The minimum dwelling area of all units shall equal that of the least restrictive, adjacent single-family district; if there is no adjacent single-family district, the minimum dwelling area shall be nine hundred (900) square feet.**

**(5)Density.**

**The maximum density shall be twenty (20) units per buildable acre.**

**(6)Lot coverage and green area.**

**(a)The maximum lot coverage, exclusive of physical recreational amenities, shall be twenty (20) percent.**

**(b)A minimum of forty (40) percent of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.**

**(i)A maximum of twenty-five (25) percent of this requirement may be water area.**

**(ii)A maximum of fifty (50) percent of this requirement may be within the footprint of physical recreational amenities.**

**(c)In order to encourage the provision of active recreation areas, density bonuses shall be granted to developments meeting all the criteria for active recreation areas:**

**(i)Fifty (50) percent of the required green is active recreation area.**

**(ii)The minimum dimension of any active recreation area is fifty (50) feet.**

**(iii)Each dwelling unit is within five hundred (500) feet of an active recreation area.**

**(iv)If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.**

**(d)A bonus of one (1) dwelling unit per acre will be granted under the provisions of subsection**

**10-9(3) for each of the following facilities:**

- (i)Swimming pool;**
- (ii)Clubhouse;**
- (iii)Lighted tennis court;**
- (iv)Lighted basketball court;**
- (v)Nine-hole golf course;**
- (vi)Dock, pier, or boat ramp;**
- (vii)Shuffleboard area; or**
- (viii)On-site day care.**

**In no case, however, will the total bonus granted under these provisions exceed ten (10) units for the entire development.**

**Sec. 6-14. Setback regulations for all uses other than townhouses and multiple dwellings.**

**(1)Front yard.**

**No front yard is required.**

**(2)Side yard.**

**No side yard is required except as follows:**

- (a)Where a lot adjoins a residential district, a side yard of ten (10) percent of the lot's width shall be provided, but in no case less than ten (10) feet.**
- (b)Where dwelling units are provided in conjunction with any commercial use, and in which all rooms do not open onto a front or rear yard, there shall be provided side yards of not less than ten (10) feet in width.**

**(3)Rear yard.**

**No rear yard is required except that if the lot adjoins a residential district, a rear yard of not less than fifteen (15) feet shall be required.**

**Sec. 6-15. Setback regulations for townhouses and multiple dwellings.**

**(1)Setbacks from project property lines.**

**(a)Front yard.**

The front yard setback shall be a minimum of twenty (20) feet; however, if the property is adjacent to any single-family or duplex residential district, all structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.

**(b)Side yard.**

One (1) side yard equal to ten (10) percent and the other equal to fifteen (15) percent of the lot width as measured at the front setback line. Except for the provisions of section 6-9(2)(a) above, the total of the two (2) side yards shall not be required to exceed forty (40) feet. Parking within this side yard shall be prohibited.

**(c)Rear yard.**

The rear yard setback shall be a minimum of twenty (20) feet. Parking within this required rear yard shall be prohibited.

**(2)Setbacks from fee-simple lot lines.**

**(a)Front yard.**

The front yard setback shall be a minimum of eight (8) feet; however, if the front fee-simple lot line is the same as any project property line, the setbacks in subsection 6-15(1)(a) shall apply, in addition to the eight (8) feet required herein.

**(b)Side yard.**

No side yard setback is required unless the side fee-simple lot line is the same as any project property line; in which case the setbacks in subsection 6-15(1)(b) shall apply.

**(c)Rear yard.**

The rear yard setback shall be a minimum of twenty (20) feet; however, if the rear fee-simple lot line is the same as any project property line, the setbacks in subsection 6-11(1)(c) shall apply, in addition to the twenty (20) feet required herein.

**(3)Distance between improvements.**

**(a)For any townhouse or multiple dwelling project with all buildings less than or equal to thirty-six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.**

**(b)Projects with one (1) or more buildings in excess of thirty-six (36) feet in height shall provide a twenty-five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.**

Secs. 6-16-6-20. Reserved.

**ARTICLE 3 C-3 DISTRICT GENERAL COMMERCIAL**

**Sec. 6-21. Uses permitted.**

Uses shall be permitted as set forth in chapter 3Uses Permitted.

**Sec. 6-22. Height.**

Buildings shall be a maximum of two and one-half (2) stories or thirty-five (35) feet in height, provided that the height limit may be increased provided that all height greater than thirty-five (35) feet shall set back from all required front, side, and rear yards one (1) foot for each three (3) feet of such additional height.

**Sec. 6-23. Building setback regulations.**

**(1)Front yard.**

No front yard is required.

**(2)Side yard.**

No side yard is required except that if the lot adjoins a residential district, then a side yard of ten (10) percent of the lot's width shall be provided, but in no case less than ten (10) feet.

**(3)Rear yard.**

No rear yard is required except that if the lot adjoins a residential district, then a rear yard of not less than fifteen (15) feet shall be required.

**Secs. 6-24-6-30. Reserved.**

**CHAPTER 7 MANUFACTURING DISTRICTS**

**ARTICLE 1 M-1 DISTRICT LIMITED MANUFACTURING**

**Sec. 7-1. Purpose of the district.**

The purpose of this district is to provide sufficient space in appropriate locations for certain types of businesses and manufacturing, research and development, relatively free from offense, in modern landscaped buildings, to make available more attractive locations for these enterprises and industries, and to provide opportunities for employment closer to employees' residences with corresponding reduction of travel time from home to work. Certain commercial uses are permitted primarily for services to employees in the district. Typical development in the district would be that which is commonly known as an "industrial park." Accessory signs of limited area and application are permitted. In order to preserve the land for industry and to avoid future conflicts between industry and residence, future residential uses are restricted.

**Sec. 7-2. Uses permitted.**

Uses shall be permitted as set forth in chapter 3Uses Permitted.

**Sec. 7-3. Development standards.**

The uses permitted in this district shall be subject to the following special conditions:

- (1)All uses conducted outside of a building shall be screened so as not to be prominently visible from surrounding properties and streets.
- (2)The front yard and unfenced side yards which abut a street shall be landscaped in accordance with the "City of Hampton Landscape Guidelines."
- (3)Loading operations shall be conducted at the side or rear of buildings.
- (4)Accessory buildings or structures shall not be located in the front yard.

**Sec. 7-4. Height.**

Buildings shall be a maximum of thirty-five (35) feet in height, unless otherwise approved by use permit in accordance with chapter 14.

**Sec. 7-5. Setback regulations.**

Minimum dimensions as follows:

# City Council

## Zoning Ordinance Recodification



March 25, 2015

HAMPTON VA

## History of User-Friendly Changes

August 2013	Combination of use permits and conditional privileges
January 2014	Adoption of a use table
Now	Reorganization of ordinance

City Council

March 25, 2015

## Overview

Reorganization of existing ordinance

No substantive/regulatory changes

City Council

March 25, 2015

### Current Format

- 36 total chapters, numbered 1 through 25 with numerous sub-numbered chapters inserted over time
- Difficult to find information which is scattered in illogical locations
- Some chapters comprise one zoning district, others contain numerous districts
- No distinction between special base zones and overlay zones; SPI chapter contains 20 districts

### Proposed Format

- 14 chapters, numbered sequentially
- Reorganized chapters flow logically, from general information to the specific
- Each chapter is named for a category of zoning districts or a broad topic
- Clear delineation of chapters for special base zones and overlay zones

City Council

March 25, 2015

Current Naming	Proposed Naming
<ul style="list-style-type: none"> <li>• “Special public interest” prefix is used for both special base zones and overlay zones</li> <li>• Names are chosen without following a standard naming convention</li> </ul>	<ul style="list-style-type: none"> <li>• Special base zones will be given unique, shorter names while overlay zones will all begin with “O”</li> </ul> <p><i>Example:</i></p> <ul style="list-style-type: none"> <li>- SPI-BBD-SFR becomes BB-1</li> <li>- SPI-CC becomes O-CC</li> </ul> <ul style="list-style-type: none"> <li>• Naming convention in place for future expansion of special zones</li> </ul> <p><i>Example:</i></p> <ul style="list-style-type: none"> <li>- “DT-4” could be added to the Downtown districts as the next logical name for a future district</li> </ul>
City Council	March 25, 2015



## Action Requested

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Approval of  
Zoning Ordinance Recodification

City Council

March 25, 2015



City of Hampton, VA

Agenda Review

File Number: 15-0096

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

File Number: **15-0096**

Request Number: **R-2015-00078**

File Type: **Ordinance - Coded**

Department: **City Attorney**

Introduced: **3/25/2015**

Date of Final Action:

Enactment Number:

Effective: **3/25/2015**

Status: **Received By Clerk's Office**

Created By: **Christina Campana**

Phone:

Requestor: **Bonnie N. Brown**

Phone: **757-727-6157**

Presenter: **Jeff Conkle, to answer questions only, Deputy Zoning Administrator**

Phone: **757-728-5229**

Title: **Ordinance to Amend and Reenact Chapter 1 Entitled, "General Provisions," Chapter 5 Entitled, "Animals," Chapter 9 Entitled, "Building and Development Regulations," Chapter 10 Entitled, "Cemeteries," Chapter 13.1 Entitled, "Land Disturbing Operations," Chapter 20 Entitled, "Mobile Homes and Mobile Home Parks," Chapter 21 Entitled, "Motor Vehicles and Traffic," Chapter 22 Entitled, "Noise," Chapter 24 Entitled, "Offenses – Miscellaneous," Chapter 33.2 Entitled, "Stormwater Management," Chapter 34 Entitled, "Streets and Sidewalks," Chapter 35 Entitled, "Subdivisions," Chapter 35.1 Entitled, "Site Plans," and Chapter 36 Entitled, "Swimming Pools" Pertaining to Citations to Zoning Ordinance Chapters, Articles, and Sections, Which Are Being Amended As Part of the Recodification of the February 1, 1960 Zoning Ordinance, as Amended, With an Effective Date of June 1, 2015**

Action Requested: **Approval of the ordinance**

Estimated Time: **Five Minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Redline

Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

**BRIEF BACKGROUND STATEMENT:**

This is a housekeeping amendment to update the city code citations to zoning ordinance chapters, articles, and sections so that they are consistent with the names and numbers being adopted as part of the recodification of the zoning ordinance, which is scheduled for City Council action on March 25, 2015. The zoning ordinance recodification will renumber and rearrange the chapters, articles, and sections of the zoning ordinance in order to make the ordinance more practical and organized. No

substantive change to existing zoning requirements or addition of new material will be made.

The effective date of the zoning ordinance recodification, if approved, is set for June 1, 2015. Accordingly, staff recommends the effective date of these city code changes also be set for June 1, 2015.

LEGISLATION TEXT:

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapters 1, 5, 9, 10, 13.1, 20, 21, 22, 24, 33.2, 34, 35, 35.1, and 36 of the City Code of the City of Hampton, Virginia be amended and reenacted to read as follows:

**CHAPTER 1 – GENERAL PROVISIONS**

....

**Sec. 1-6. - Miscellaneous ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall affect:

- (1) Any ordinance promising or guaranteeing the payment of money by or for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness or any contract or obligation assumed by the city;
- (2) Any ordinance granting any franchise or right;
- (3) Any ordinance appropriating funds, levying or imposing taxes or relating to an annual budget;

**Cross reference**— Taxation, Ch. 37.

- (4) Any ordinance authorizing, providing for or otherwise relating to any public improvement or any special assessment;
- (5) Any ordinance relative to salaries, compensation or bonds of city officers or employees or members of city boards and commissions;
- (6) The zoning ordinance of the city or any amendment thereto, including amendments to the zoning map and ordinances zoning or rezoning specific property;
- (7) Any ordinance adopted for purposes which have been consummated; or
- (8) Any ordinance which is temporary, although general in effect, or special, although permanent in effect;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

....

**CHAPTER 5 – ANIMALS**

....

**ARTICLE II. – AGRICULTURAL ANIMALS**

....

**Sec. 5-24. - Location and maintenance of poultry and animal yards generally.**

....

(e) Nothing contained in this section shall be construed to authorize the keeping of animals of any kind at any place, irrespective of distance from any building, when the keeping of such animals is prohibited by any other ordinance. Conversely, nothing in this section shall be construed to prohibit the keeping of animals of any kind at any place, irrespective of distance from any building, when the keeping of such animals is permitted by any other ordinance.

....

**CHAPTER 9 – BUILDING AND DEVELOPMENT REGULATIONS**

....

**ARTICLE VI. – BARBED WIRE**

....

**Sec. 9-209. - Article does not permit fences not otherwise permitted by zoning ordinance.**

Nothing in this article shall be taken or construed as permitting the erection or maintenance of any fence in the city not otherwise permitted by the zoning ordinance of the city.

**Cross reference**— Electric fences prohibited, § 24-40.

**Sec. 9-210. - Use generally.**

No barbed wire shall be used for the purpose of wholly or partially enclosing any lot or premises within the city, except that barbed wire may be used on top of any wall or fence wholly or partially enclosing any lot or premises in any commercial or manufacturing district or the Special Public Interest – Hampton Roads Center West (SPI-HRCW) district, as defined by the zoning ordinance of the city, and barbed wire may be used on top of any wall or fence wholly or partially enclosing any public school, park or recreational or playground site in any residential, commercial or manufacturing district as defined by the zoning ordinance of the city.

**Cross reference**— Barbed wire fences not to be used in mobile home parks, § 20-89

....

**CHAPTER 10 – CEMETARIES**

**ARTICLE I. – IN GENERAL**

....

**Sec. 10-2.**

In addition to the requirements of the state law and the zoning ordinance of the city, any cemetery established or enlarged wholly or partly within the city and the owner(s) and operator(s) thereof, shall conform to the requirements of this chapter.

**State law reference**— Authority of city to regulate and inspect cemeteries, Code of Virginia, § 15.2-1111.

....

**CHAPTER 13.1 – LAND DISTURBING OPERATIONS**

**ARTICLE I. – LAND DISTURBING ACTIVITY AND EROSION AND SEDIMENT CONTROL GENERALLY**

**Sec. 13.1-1. – Definitions.**

....

**Chesapeake Bay Preservation District.** Any land designated by the Hampton City Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC25-830-70, et seq., and Virginia Code, § 62.1-44.15:72 of the Chesapeake Bay Preservation Act, and pursuant to Chapter 9, Article 2 of the City Zoning Ordinance. A Chesapeake Bay Preservation District shall consist of a resource protection area or intensely developed area, and resource management area.

....

**ARTICLE II. – PERMIT AND INSPECTION PROCESS**

....

**Sec. 13.1-11. – Preparation of plan; preliminary plan.**

....

**(3)** The land disturbing plan also shall include:

....

**b.** The Chesapeake Bay Preservation District boundary in accordance with the City Zoning Ordinance, Chapter 9, Article 2, Section 9-13;

....

**e.** All required and proposed erosion and sediment control practices in accordance with section 13.1-7 herein and any erosion and sediment control practices required pursuant to Chapter 9, Article 2 of the City Zoning Ordinance and chapter 33.2 of the City Stormwater Management Ordinance;

....

(5) A Chesapeake Bay Preservation Act Land-Disturbing Activity shall be subject to an erosion and sediment control plan consistent with the requirements of this chapter, Chapter 9, Article 2 of the City Zoning Ordinance, and chapter 33.2 of the City Stormwater Management Ordinance. Additionally, on properties zoned O-CBP, areas shown on the site plan as undisturbed, or as a buffer proffered as part of a conditional rezoning or required for a use permit, or as part of a resource protection area, shall be protected from disturbance by the following methods:

.....

## **CHAPTER 20 – MOBILE HOMES AND MOBILE HOME PARKS**

.....

### **ARTICLE II. – MOBILE HOME PARKS**

.....

#### **Sec. 20-43. - Display of permits, license and certificate of occupancy.**

The use permit required by the zoning ordinance,\* the license required by chapter 18.1 of this Code and the permit and certificate of occupancy required by this chapter shall be conspicuously displayed, under a transparent covering, in the office on the premises of a mobile home park.

.....

#### **Sec. 20-82. - Improvement site plans.**

After a use permit has been granted by the city council for a mobile home park, as required by the zoning ordinance\*, the person in whose name it is granted shall, in duplicate, submit improvement site plans to the building official, which plans shall show the following:

- (1) The name and address of the person to whom the use permit was granted.
- (2) The location and street number of the park site.
- (3) The layout of driveways, walkways, mobile home spaces; water, sewer and electric service locations and connection locations; driveway light locations; location of sanitation facilities and laundry facilities, if furnished; the surface drainage plan; sewage disposal plan; and such other information as may be requested by the building official.

.....

#### **Sec. 20-85. - Gross ground area; minimum number of spaces.**

Mobile home parks subject to this division shall have a gross ground area equal to the area required for the number of mobile home spaces to be provided, the necessary area for setbacks required by the zoning ordinance,\* park roadways, park service buildings and other park purposes. The minimum number of mobile home spaces to be provided for in such parks shall be ten (10).

.....

#### **Sec. 20-87. - Clearances and setbacks for mobile homes.**

Mobile homes shall be so harbored on each mobile home space that there shall be at least a twenty (20) foot clearance between homes. In any multiple residential district (R-M), as defined in the zoning ordinance, mobile

homes shall be harbored at least thirty (30) feet from the front property line and not less than ten (10) feet from a side property line or any building within the park and not less than twenty (20) feet from the rear property line. If the park is located in a commercial district C-1, C-2 or C-3, as defined in the zoning ordinance, mobile homes shall be harbored not less than twenty (20) feet from the front property line and not less than ten (10) feet from a side or rear property line or any building within the mobile home park.

....

**Sec. 20-90. - Referral to zoning ordinance.**

All manufactured/mobile home parks and subdivisions established in the city after October 24, 1990 and all additions and changes to existing manufactured/mobile home parks after October 24, 1990 shall meet the criteria prescribed in the zoning ordinance, as well as any additional conditions of the approved use permit.

....

**CHAPTER 21 – MOTOR VEHICLES AND TRAFFIC**

....

**ARTICLE V. – STOPPING, STANDING, AND PARKING**

....

**Sec. 21-136. - Time limit for parking of trucks, trailers, etc.**

....

- (b) In the instance where the place of business is legally located within a residential district, only one (1) commercial vehicle directly related to that business may be parked at such place of business, provided it complies with all the parking regulations of the zoning ordinance.

**CHAPTER 22 – NOISE**

**ARTICLE I. – IN GENERAL**

....

**Sec. 22-3.1. - Amplified music or outdoor bands in the downtown area.**

It shall be unlawful in the downtown areas zoned DT-1, DT-2, or DT-3 for any person, including the owner or manager on duty of any establishment or promoter of any event, to produce or allow to be produced a sound or noise from amplified music or an outdoor band which exceeds a noise level measurement of sixty (60) dBA upon the real property of another. Such noise is hereby prohibited and declared to be loud, disturbing and unlawful noise in violation of this section. This section shall be enforced by the police department and/or the codes compliance department. Sound level measurements shall be admissible evidence of any alleged unlawful noise if made with a sound level meter using the "A" weighing scale in accordance with the American National Standard Institute.

....

**CHAPTER 24 – MISCELLANEOUS OFFENSES**

**ARTICLE I. – IN GENERAL**

....

**Sec. 24-37. - Accumulations of trash, garbage, refuse, litter and other like substances and cutting of grass**

**and weeds near residential or commercial structures.**

....

In the event the owner, occupant or other person responsible for any land shall fail or refuse to , maintain said grass, weeds and other foreign growth, the city manager or his designee shall give written notice to the owner of such land to cut or remove said growth as required by this subsection within seven (7) days from the date of such notice and to so maintain it. One such written notice per growing season (March 1 through November 30) shall satisfy the notice requirement above to authorize the city to remove or contract for the removal of any excessive growth of grass, weeds and other foreign growth for the entire growing season. A violation of this subsection shall be punishable by a fine of at least one hundred dollars (\$100.00) but not more than one thousand dollars (\$1,000.00) per violation.

The requirements of this subsection shall have no application in the following areas of the city:

- (1) Areas required to be vegetated by the Chesapeake Bay Preservation District of the Zoning Ordinance of the City of Hampton.

....

**Sec. 24-40. - Electric fences.**

- (a) It shall be unlawful for any person to erect, install or maintain any electric fence, regardless of power source, within the city except as provided in this section.
  - (1) Electric fences may be installed, operated or maintained only in the LFA-1 and LFA-2 Zoning Districts.

....

**CHAPTER 33.2 – STORMWATER MANAGEMENT**

**ARTICLE I. – IN GENERAL**

....

**Sec. 33.2-4. - Definitions.**

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Program ("VSMP") regulations, as amended, which expressly are adopted and incorporated herein by reference, the following words and terms used in this chapter have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence. Unless specifically defined below, words and phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most effective application. For purposes of this chapter, except as otherwise defined herein, the definitions set forth in Chapter 2 (Zoning Definitions) and Chapter 9, Article 2 Chesapeake Bay Preservation District) of the City Zoning Ordinance and chapter 35 (Subdivisions) and chapter 35.1 (Site Plans) of the City Code shall control the meaning of any terms or phrases used herein.

....

**Resource management area or RMA.** That component of the Chesapeake Bay Preservation District that is not classified as resource protection areas. The RMA is comprised of land that is contiguous to the variable width RPA buffer for a distance of 100 feet in the landward direction.

**Resource protection area or RPA.** That component of the Chesapeake Bay Preservation District comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or that are sensitive to impacts which may result in significant degradation to the quality of state waters. Resource protection areas include: (i) tidal wetlands; (ii) nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; (iii) tidal shores; and (iv) a

variable width buffer area not less than 100 feet in width. The variable width buffer area shall be located adjacent to and landward of the components listed in (i) through (iii) herein, and along both sides of any water body with perennial flow. The variable width buffer also shall include lands designated as part of the Coastal Barrier Resources System not otherwise listed as a resource protection area feature where present. The buffer area shall be designated as the landward component of the RPA notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing in compliance with Chapter 9, Article 2 of the Hampton City Zoning Ordinance.

**Review committee.** That group of persons, as defined in the City Zoning Ordinance who convene to hear requests for relief from the Chesapeake Bay Preservation District regulations and to arbitrate Chesapeake Bay Preservation District boundary disputes.

....

## ARTICLE II. STORMWATER MANAGEMENT PROGRAM

### Sec. 33.2-8. - Exemptions.

....

**(b)** All exempted activities must meet the RPA buffer requirements of Chapter 9, Article 2 of the City Zoning Ordinance, if applicable, and all erosion and sediment control provisions of chapter 13.1.

....

### Sec. 33.2-17. - Structure encroachment permit.

**(a)** No building permit, zoning certificate, or land-disturbing permit shall be issued for a structure or an impervious improvement within the resource protection area (RPA) buffer or intensely developed area (IDA) until a structure encroachment permit has been issued. All funds collected pursuant to this section shall be placed into a special revenue account to be used solely as approved by the city manager for the creation, enhancement, or restoration of wetlands and/or vegetative buffers on public property within the Chesapeake Bay Preservation District. Failure to obtain a permit shall constitute a class 3 misdemeanor.

....

**(d)** No permit shall be required for piers, pervious surfaces, or uses exempt pursuant to Section 9-16 of the City's Zoning Ordinance.

....

## CHAPTER 34 – STREETS AND SIDEWALKS

### ARTICLE I. – IN GENERAL

....

### Sec. 34-7. - Sales conducted on or adjacent to public right-of-way.

....

**(f)** Nothing in this section shall exempt any person conducting a sale or exchange of the type described herein from the requirements of the zoning ordinance or any other applicable provision of law.

**Cross reference—** Mobile food service facilities generally, § 15-136 et seq.; vehicles used for sale of ice cream, § 15-166 et seq;

....

**CHAPTER 35 – SUBDIVISIONS**

**ARTICLE I. – IN GENERAL**

....

**Sec. 35-2. - Application and scope of chapter; definitions.**

....

- (C) For purposes of this chapter, except as may otherwise be defined herein, the definitions set forth in chapter 2 of the City Zoning Ordinance shall control the meaning of any terms or phrases used herein.

....

**Sec. 35-4. - Compliance with chapter; penalty for violation.**

....

- (D) Except as otherwise set forth in chapter 12 of the Zoning Ordinance, no building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision that violates the requirements of this chapter, and no excavation of land or construction of any public or private improvements shall be commenced, except in conformity with the requirements of this chapter.

....

**ARTICLE II. - PRELIMINARY PLAT—PROCEDURES**

....

**Sec. 35-23. - Contents.**

- (B) The preliminary plat of the subdivision shall show the proposed layout of streets, lots, areas to be encumbered by stormwater management facilities as required by chapter 33.2 of the City Code, and other features in relation to existing topography. The preliminary plat shall have a horizontal scale of not less than one hundred (100) feet to the inch and clearly show the following:

- (12) Where floodplains lie within a subdivision, the preliminary plat shall delineate the boundaries of all floodways, flood fringes, approximated floodplains, and coastal high hazard areas. Flood elevations for any land located within a special flood hazard area in accordance with the provisions of section 9-31 of the Zoning Ordinance and the city flood insurance rate map (FIRM).

....

- (C) The preliminary plat of a subdivision within O-CBP<sub>7</sub> shall comply with all applicable provisions of chapter 9, article 2 of the Zoning Ordinance and shall include an environmental site assessment and stormwater management plan as an addendum to the plat or shown on the subdivision plat. The subdivision plat shall also contain a notation thereon to state that land use and development activities or clearing of vegetation within the RPA, the RMA and any IDA are regulated pursuant to chapter 9, article 2 of the Zoning Ordinance, and that city confirmation of a site specific CBPD delineation is required prior to the issuance of land use or development permits. Additionally, the subdivision plat shall contain reference to any RPA buffer or IDA encroachment or exception to the O-CBP regulations for development and redevelopment authorized by the City of Hampton.

....

**ARTICLE IV. - DESIGN STANDARDS AND IMPROVEMENTS GENERALLY**

....

**Sec. 35-68. - Subdivision of land subject to flooding.**

No lot, tract or parcel of land, or any part thereof, subject to flooding shall be divided or subdivided for the use of buildings or structures erected or to be erected for dwelling or residential purposes on the portion of the land subject to flooding, unless corrected to the satisfaction of the director of public works and in accordance with chapter 9 article 4 of the Zoning Ordinance.

....

**Sec. 35-86. - Development in the resource protection area; buffer area.**

There shall be no improvements or development allowed in the resource protection area except as permitted pursuant to chapter 9, article 2 of the Hampton City Zoning Ordinance.

....

**ARTICLE V. - DEVELOPMENT PLANS—REQUIREMENTS, PROCEDURES FOR PERMITTING AND PERFORMANCE ASSURANCES**

....

**Sec. 35-103. - Contents.**

The development plans required by this article shall be legible as determined by the director of public works and shall contain:

....

- (I) For development on property zoned Buckroe Bayfront District, an environmental site assessment must be submitted in accordance with chapter 9, article 2 of the Zoning Ordinance. An environmental site assessment submitted with the subdivision plat shall constitute compliance with this provision.

....

**CHAPTER 35.1 – SITE PLANS**

**ARTICLE I. - IN GENERAL**

....

**Sec. 35.1-2. - Application and scope of chapter; definitions.**

....

- (B) Except as may otherwise be defined herein or in other applicable provisions of the City Code and the City Zoning Ordinance, the definitions set forth in chapter 2 of the City Zoning Ordinance shall control the meaning of any terms or phrases used herein. The terms "owner" and "developer" are used interchangeably throughout this chapter and the provisions of this chapter are applicable to an owner or developer of a site.

....

**Sec. 35.1-2.2. – Exemptions from site plan approval.**

....

- (B) The following additional types of development set forth in subsection (C) are exempt from the requirement for site plan approval provided that the following conditions are met:

....

- (4) The applicant submits a scaled two-dimensional plan or drawing and physical property survey as set forth in chapter 1 of the zoning ordinance, which governs issuance of building permits.

....

**Sec. 35.1-4. - Compliance with chapter; stop work orders; penalty for violation.**

- (A) Except as otherwise set forth in chapter 12 of the Zoning Ordinance, no building permit or certificate of

occupancy shall be issued for any parcel of land that fails to comply with the requirements of this chapter, and no excavation of land or construction of any public or private improvements shall be commenced, except in conformity with the requirements of this chapter.

....

**Sec. 35.1-10. - Compliance with other ordinances.**

(A) In addition to the requirements set forth in this chapter, site plans shall comply with the provisions of all city ordinances and the Zoning Ordinance and specifically, chapters 13.1, 33.2, and 41.1 of the City Code, and chapter 9, articles 4 and 2 of the City Zoning Ordinance unless exempted thereunder. The owner will be required to submit any additional plans, delineations, calculations, declaration of covenants and place required notations on the site plan as required by the City Code or the City Zoning Ordinance.

....

**ARTICLE II. - SITE PLAN REVIEW PROCEDURES**

....

**Sec. 35.1-22. - Contents of a site plan.**

(A) A site plan shall comply with the standards of Code of Virginia § 42.1-82, 17VAC15-60-10 through 17VAC15-60-70 and the minimum standards and procedures for surveys determining topography as set forth in the Virginia Department of Professional and Occupational Regulation APELSCIDLA Board regulation 18VAC10-20-382, the "City of Hampton Landscape Guidelines", and the latest edition of the public works design and construction standards, and shall include a vicinity sketch, at a scale of one (1) inch to eight hundred (800) feet, which shall show the area for the proposed development and all streets and water bodies that exist within the area of the vicinity sketch, date, scale and north arrow. A site plan shall show the total land area of the site, the area to be developed, approximate land area of separate parcels of land, areas to be encumbered by stormwater management facilities, and other features in relation to existing topography, including any existing impervious areas in any RPA, RMA or IDA. The site plan shall have a horizontal scale of not less than one hundred (100) feet to the inch and clearly show the following, and where applicable show the location, dimension and size of the following when existing or proposed by the owner or developer:

....

(9) Natural and artificial water courses and limits of floodplains, including a delineation of the boundaries of all floodways, flood fringes, approximated floodplains, and coastal high hazard areas. Flood elevations for any land located within a special flood hazard area in accordance with the provisions of section 9-31 of the Zoning Ordinance and the city flood insurance rate map (FIRM).

....

(D) A site plan for development within O-CBP shall contain a notation thereon to state that land use and development activities including land disturbing activities or clearing of vegetation within the RPA, RMA and any IDA are regulated pursuant to chapter 9, article 2 of the Zoning Ordinance. Additionally, the site plan shall contain reference to any RPA buffer or IDA encroachment or exception to the O-CBP regulations for development and redevelopment authorized by the City of Hampton.

....

**ARTICLE III. - WORK AND DEVELOPMENT PURSUANT TO APPROVED PLAN**

**Sec. 35.1-41. - General requirements.**

....

(C) On properties zoned O-CBP, areas shown on the site plan as undisturbed, or as a buffer proffered as part of a conditional rezoning or required for a use permit, or as part of a resource protection area, shall be protected from disturbance as required by chapters 13.1 and 33.2 of the City Code, chapter 9, article 2 of the City Zoning Ordinance or in accordance with the "City of Hampton Landscape Guidelines" on file with the department of community development, development services center, as applicable.

....

**Sec. 35.1-42. - Development of land subject to flooding.**

No lot, tract or parcel of land, or any part thereof, in a floodplain or flood prone area, shall be developed for the use of buildings or structures erected or to be erected for dwelling or residential purposes on the portion of the land within the floodplain or flood prone area, unless corrected to the satisfaction of the director of public works and in accordance with chapter 9, article 4 of the Zoning Ordinance.

....

**Sec. 35.1-48. - Development in the resource protection area; buffer area.**

There shall be no improvements or development allowed in the resource protection area except as permitted pursuant to chapter 9, article 2 of the Zoning Ordinance.

....

**CHAPTER 36 – SWIMMING POOLS**

**Sec. 36-9. - Fencing.**

....

**Cross reference**— Building code, § 9-26 et seq.

....

1 Ordinance to Amend and Reenact Chapter 1 Entitled, “General Provisions,” Chapter 5  
2 Entitled, “Animals,” Chapter 9 Entitled, “Building and Development Regulations,”  
3 Chapter 10 Entitled, “Cemeteries,” Chapter 13.1 Entitled, “Land Disturbing Operations,”  
4 Chapter 20 Entitled, “Mobile Homes and Mobile Home Parks,” Chapter 21 Entitled, “Motor  
5 Vehicles and Traffic,” Chapter 22 Entitled, “Noise,” Chapter 24 Entitled, “Offenses –  
6 Miscellaneous,” Chapter 33.2 Entitled, “Stormwater Management,” Chapter 34 Entitled,  
7 “Streets and Sidewalks,” Chapter 35 Entitled, “Subdivisions,” Chapter 35.1 Entitled, “Site  
8 Plans,” and Chapter 36 Entitled, “Swimming Pools” Pertaining to Citations to Zoning  
9 Ordinance Chapters, Articles, and Sections, Which Are Being Amended As Part of the  
10 Recodification of the February 1, 1960 Zoning Ordinance, as Amended, With an Effective  
11 Date of June 1, 2015.

12  
13 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapters 1, 5, 9, 10,  
14 13.1, 20, 21, 22, 24, 33.2, 34, 35, 35.1, and 36 of the City Code of the City of Hampton, Virginia  
15 be amended and reenacted to read as follows:

16  
17 **CHAPTER 1 – GENERAL PROVISIONS**

18  
19 . . . .

20  
21 **Sec. 1-6. - Miscellaneous ordinances not affected by Code.**

22  
23 Nothing in this Code or the ordinance adopting this Code shall affect:

24  
25 (1) Any ordinance promising or guaranteeing the payment of money by or for the city or  
26 authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness or  
27 any contract or obligation assumed by the city;

28  
29 (2) Any ordinance granting any franchise or right;

30  
31 (3) Any ordinance appropriating funds, levying or imposing taxes or relating to an annual  
32 budget;

33  
34 **Cross reference**— Taxation, Ch. 37.

35  
36 (4) Any ordinance authorizing, providing for or otherwise relating to any public improvement or  
37 any special assessment;

38  
39 (5) Any ordinance relative to salaries, compensation or bonds of city officers or employees or  
40 members of city boards and commissions;

41  
42 (6) The zoning ordinance of the city or any amendment thereto, including amendments to the  
43 zoning map and ordinances zoning or rezoning specific property;

44  
45 **Cross reference**— Zoning ordinance, App. A.

46  
47 (7) Any ordinance adopted for purposes which have been consummated; or

48  
49 (8) Any ordinance which is temporary, although general in effect, or special, although  
50 permanent in effect;

51

52 and all such ordinances are hereby recognized as continuing in full force and effect to the same  
53 extent as if set out at length in this Code.

54  
55 . . . .

56  
57 **CHAPTER 5 – ANIMALS**

58  
59 . . . .

60  
61 **ARTICLE II. – AGRICULTURAL ANIMALS**

62  
63 . . . .

64  
65 **Sec. 5-24. - Location and maintenance of poultry and animal yards generally.**

66  
67 . . . .

68  
69 **(e)** Nothing contained in this section shall be construed to authorize the keeping of animals of  
70 any kind at any place, irrespective of distance from any building, when the keeping of such  
71 animals is prohibited by any other ordinance. Conversely, nothing in this section shall be  
72 construed to prohibit the keeping of animals of any kind at any place, irrespective of distance  
73 from any building, when the keeping of such animals is permitted by any other ordinance.

74  
75 **Cross reference**— ~~Zoning ordinance, App. A.~~

76  
77 . . . .

78  
79 **CHAPTER 9 – BUILDING AND DEVELOPMENT REGULATIONS**

80  
81 . . . .

82  
83 **ARTICLE VI. – BARBED WIRE**

84  
85 . . . .

86  
87 **Sec. 9-209. - Article does not permit fences not otherwise permitted by zoning ordinance.**

88  
89 Nothing in this article shall be taken or construed as permitting the erection or maintenance  
90 of any fence in the city not otherwise permitted by the zoning ordinance of the city.

91  
92 **Cross reference**— ~~Zoning ordinance, App. A;~~ ~~E~~electric fences prohibited, § 24-40.

93  
94 **Sec. 9-210. - Use generally.**

95  
96 No barbed wire shall be used for the purpose of wholly or partially enclosing any lot or  
97 premises within the city, except that barbed wire may be used on top of any wall or fence wholly  
98 or partially enclosing any lot or premises in any commercial or manufacturing district or the  
99 Special Public Interest – Hampton Roads Center West (SPI-HRCW) district, as defined by the  
100 zoning ordinance of the city, and barbed wire may be used on top of any wall or fence wholly or

101 partially enclosing any public school, park or recreational or playground site in any residential,  
102 commercial or manufacturing district as defined by the zoning ordinance of the city.

103  
104 **Cross reference**— Barbed wire fences not to be used in mobile home parks, § 20-89; zoning  
105 ordinance, App. A.

106  
107 . . . .

108  
109 **CHAPTER 10 – CEMETARIES**

110  
111 **ARTICLE I. – IN GENERAL**

112  
113 . . . .

114  
115 **Sec. 10-2.**

116  
117 In addition to the requirements of the state law and the zoning ordinance of the city, any  
118 cemetery established or enlarged wholly or partly within the city and the owner(s) and  
119 operator(s) thereof, shall conform to the requirements of this chapter.

120  
121 **State law reference**— Authority of city to regulate and inspect cemeteries, Code of Virginia, §  
122 15.2-1111.

123  
124 **Cross reference**— Zoning ordinance, App. A.

125  
126 . . . .

127  
128 **CHAPTER 13.1 – LAND DISTURBING OPERATIONS**

129  
130 **ARTICLE I. – LAND DISTURBING ACTIVITY AND EROSION AND SEDIMENT CONTROL**  
131 **GENERALLY**

132  
133 **Sec. 13.1-1. – Definitions.**

134  
135 . . . .

136  
137 **Chesapeake Bay Preservation District.** Any land designated by the Hampton City Council  
138 pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management  
139 Regulations, 9VAC25-830-70, et seq., and Virginia Code, § 62.1-44.15:72 of the Chesapeake  
140 Bay Preservation Act, and pursuant to **Chapter 9, Article 2** ~~chapter 17.3, article X~~ of the City  
141 Zoning Ordinance. A Chesapeake Bay Preservation District shall consist of a resource  
142 protection area or intensely developed area, and resource management area.

143  
144 . . . .

145  
146 **ARTICLE II. – PERMIT AND INSPECTION PROCESS**

147  
148 . . . .

149  
150 **Sec. 13.1-11. – Preparation of plan; preliminary plan..**

151

152 . . . .

153

154 **(3)** The land disturbing plan also shall include:

155

156 . . . .

157

158 **b.** The Chesapeake Bay Preservation District boundary in accordance with the City Zoning  
159 Ordinance, *Chapter 9, Article 2, Section 9-13*~~article X, section 17.3-63~~;

160

161 . . . .

162

163 **e.** All required and proposed erosion and sediment control practices in accordance with  
164 section 13.1-7 herein and any erosion and sediment control practices required pursuant to  
165 *Chapter 9, Article 2*~~chapter 17.3, article X~~ of the City Zoning Ordinance and chapter 33.2 of the  
166 City Stormwater Management Ordinance;

167

168 . . . .

169

170 **(5)** A Chesapeake Bay Preservation Act Land-Disturbing Activity shall be subject to an  
171 erosion and sediment control plan consistent with the requirements of this chapter, *Chapter 9,*  
172 *Article 2*~~chapter 17.3, article X~~ of the City Zoning Ordinance, and chapter 33.2 of the City  
173 Stormwater Management Ordinance. Additionally, on properties zoned ~~O-CBP-SPI-CBPD,~~  
174 areas shown on the site plan as undisturbed, or as a buffer proffered as part of a conditional  
175 rezoning or required for a use permit, or as part of a resource protection area, shall be protected  
176 from disturbance by the following methods:

177

178 . . . .

179

180 **CHAPTER 20 – MOBILE HOMES AND MOBILE HOME PARKS**

181

182 . . . .

183

184 **ARTICLE II. – MOBILE HOME PARKS**

185

186 . . . .

187

188 **Sec. 20-43. - Display of permits, license and certificate of occupancy.**

189

190 The use permit required by the zoning ordinance,\* the license required by chapter 18.1  
191 of this Code and the permit and certificate of occupancy required by this chapter shall be  
192 conspicuously displayed, under a transparent covering, in the office on the premises of a mobile  
193 home park.

194

195 ~~Cross reference—~~ Zoning ordinance, App. A.

196

197 . . . .

198

199 **Sec. 20-82. - Improvement site plans.**

200

201 After a use permit has been granted by the city council for a mobile home park, as required  
202 by the zoning ordinance\*, the person in whose name it is granted shall, in duplicate, submit  
203 improvement site plans to the building official, which plans shall show the following:

- 204 (1) The name and address of the person to whom the use permit was granted.
- 205 (2) The location and street number of the park site.
- 206 (3) The layout of driveways, walkways, mobile home spaces; water, sewer and electric  
207 service locations and connection locations; driveway light locations; location of  
208 sanitation facilities and laundry facilities, if furnished; the surface drainage plan;  
209 sewage disposal plan; and such other information as may be requested by the building  
210 official.

211 ~~Cross reference—Zoning ordinance, App. A.~~

212  
213 . . . .

214  
215 **Sec. 20-85. - Gross ground area; minimum number of spaces.**

216  
217 Mobile home parks subject to this division shall have a gross ground area equal to the area  
218 required for the number of mobile home spaces to be provided, the necessary area for setbacks  
219 required by the zoning ordinance,\* park roadways, park service buildings and other park  
220 purposes. The minimum number of mobile home spaces to be provided for in such parks shall  
221 be ten (10).

222  
223 ~~Cross reference—Zoning ordinance, App. A.~~

224  
225 . . . .

226  
227 **Sec. 20-87. - Clearances and setbacks for mobile homes.**

228  
229 Mobile homes shall be so harbored on each mobile home space that there shall be at least  
230 a twenty (20) foot clearance between homes. In any multiple residential district (R-M), as  
231 defined in the zoning ordinance, mobile homes shall be harbored at least thirty (30) feet from  
232 the front property line and not less than ten (10) feet from a side property line or any building  
233 within the park and not less than twenty (20) feet from the rear property line. If the park is  
234 located in a commercial district C-1, C-2 or C-3, as defined in the zoning ordinance, mobile  
235 homes shall be harbored not less than twenty (20) feet from the front property line and not less  
236 than ten (10) feet from a side or rear property line or any building within the mobile home park.

237  
238 ~~Cross reference—Zoning ordinance, App. A.~~

239  
240 . . . .

241  
242 **Sec. 20-90. - Referral to zoning ordinance.**

243  
244 All manufactured/mobile home parks and subdivisions established in the city after October  
245 24, 1990 and all additions and changes to existing manufactured/mobile home parks after  
246 October 24, 1990 shall meet the criteria prescribed in ~~Chapter 20, Article III~~ of the zoning  
247 ordinance, as well as any additional conditions of the approved use permit.  
248

249 . . . .

250

251 **CHAPTER 21 – MOTOR VEHICLES AND TRAFFIC**

252 . . . .

253

254 **ARTICLE V. – STOPPING, STANDING, AND PARKING**

255 . . . .

256

257 **Sec. 21-136. - Time limit for parking of trucks, trailers, etc.**

258 . . . .

259

260 (b) In the instance where the place of business is legally located within a residential  
261 district, only one (1) commercial vehicle directly related to that business may be  
262 parked at such place of business, provided it complies with all the parking  
263 regulations of ~~section 18-4~~ of the zoning ordinance.

264

265

266 **CHAPTER 22 – NOISE**

267

268 **ARTICLE I. – IN GENERAL**

269

270 . . . .

271

272 **Sec. 22-3.1. - Amplified music or outdoor bands in the downtown area.**

273

274 It shall be unlawful in the downtown areas zoned *DT-1, DT-2, or DT-3* ~~SPL-OH~~ for any person,  
275 including the owner or manager on duty of any establishment or promoter of any event, to  
276 produce or allow to be produced a sound or noise from amplified music or an outdoor band  
277 which exceeds a noise level measurement of sixty (60) dBA upon the real property of another.  
278 Such noise is hereby prohibited and declared to be loud, disturbing and unlawful noise in  
279 violation of this section. This section shall be enforced by the police department and/or the  
280 codes compliance department. Sound level measurements shall be admissible evidence of any  
281 alleged unlawful noise if made with a sound level meter using the "A" weighing scale in  
282 accordance with the American National Standard Institute.

283

284 . . . .

285

286 **CHAPTER 24 – MISCELLANEOUS OFFENSES**

287

288 **ARTICLE I. – IN GENERAL**

289

290 . . . .

291

292 **Sec. 24-37. - Accumulations of trash, garbage, refuse, litter and other like substances and**  
293 **cutting of grass and weeds near residential or commercial structures.**

294

295 . . . .

296

297 In the event the owner, occupant or other person responsible for any land shall fail or refuse to ,  
298 maintain said grass, weeds and other foreign growth, the city manager or his designee shall  
299 give written notice to the owner of such land to cut or remove said growth as required by this

300 subsection within seven (7) days from the date of such notice and to so maintain it. One such  
301 written notice per growing season (March 1 through November 30) shall satisfy the notice  
302 requirement above to authorize the city to remove or contract for the removal of any excessive  
303 growth of grass, weeds and other foreign growth for the entire growing season. A violation of  
304 this subsection shall be punishable by a fine of at least one hundred dollars (\$100.00) but not  
305 more than one thousand dollars (\$1,000.00) per violation.

306  
307 The requirements of this subsection shall have no application in the following areas of the city:  
308  
309 **(1)** Areas required to be vegetated by the ~~Special Public Interest~~ Chesapeake Bay Preservation  
310 District of the Zoning Ordinance of the City of Hampton.

311  
312 . . . .  
313

314 **Sec. 24-40. - Electric fences.**

315 (a) It shall be unlawful for any person to erect, install or maintain any electric fence,  
316 regardless of power source, within the city except as provided in this section.  
317 (1) Electric fences may be installed, operated or maintained only in *the LFA-1*  
318 *and LFA-2* ~~M4-A, Langley Flight Approach—Manufacturing, Distribution~~  
319 ~~and Warehousing and M4-B, Langley Flight Approach—Mixed Business~~  
320 ~~and Manufacturing~~ Zoning Districts.

321 . . . .  
322

323 **CHAPTER 33.2 – STORMWATER MANAGEMENT**

324  
325 **ARTICLE I. – IN GENERAL**

326  
327 . . . .  
328

329 **Sec. 33.2-4. - Definitions.**

330  
331 In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management  
332 Program ("VSMP") regulations, as amended, which expressly are adopted and incorporated  
333 herein by reference, the following words and terms used in this chapter have the following  
334 meanings unless otherwise specified herein. Where definitions differ, those incorporated herein  
335 shall have precedence. Unless specifically defined below, words and phrases shall be  
336 interpreted so as to give them the meaning they have in common usage and to give this chapter  
337 its most effective application. For purposes of this chapter, except as otherwise defined herein,  
338 the definitions set forth in *Chapter 2* ~~chapter 2.4~~ (Zoning Definitions) and *Chapter 9, Article*  
339 *2* ~~chapter 17.3, article X~~ (Chesapeake Bay Preservation District) of the City Zoning Ordinance  
340 and chapter 35 (Subdivisions) and chapter 35.1 (Site Plans) of the City Code shall control the  
341 meaning of any terms or phrases used herein.

342  
343 . . . .  
344

345 **Resource management area or RMA.** That component of the Chesapeake Bay Preservation  
346 District that is not classified as resource protection areas. The RMA is comprised of land that is  
347 contiguous to the variable width RPA buffer for a distance of 100 feet in the landward direction.

348  
349 **Resource protection area or RPA.** That component of the Chesapeake Bay Preservation  
350 District comprised of lands adjacent to water bodies with perennial flow that have an intrinsic

351 water quality value due to the ecological and biological processes they perform or that are  
352 sensitive to impacts which may result in significant degradation to the quality of state waters.  
353 Resource protection areas include: (i) tidal wetlands; (ii) nontidal wetlands connected by surface  
354 flow and contiguous to tidal wetlands or water bodies with perennial flow; (iii) tidal shores; and  
355 (iv) a variable width buffer area not less than 100 feet in width. The variable width buffer area  
356 shall be located adjacent to and landward of the components listed in (i) through (iii) herein, and  
357 along both sides of any water body with perennial flow. The variable width buffer also shall  
358 include lands designated as part of the Coastal Barrier Resources System not otherwise listed  
359 as a resource protection area feature where present. The buffer area shall be designated as the  
360 landward component of the RPA notwithstanding the presence of permitted uses,  
361 encroachments, and permitted vegetation clearing in compliance with *Chapter 9, Article*  
362 *2*~~chapter 17.3, article X~~, of the Hampton City Zoning Ordinance.

363  
364 **Review committee.** That group of persons, as defined in the City Zoning Ordinance who  
365 convene to hear requests for relief from the Chesapeake Bay Preservation District regulations  
366 and to arbitrate Chesapeake Bay Preservation District boundary disputes.

367  
368 . . . .

## 369 370 **ARTICLE II. STORMWATER MANAGEMENT PROGRAM**

### 371 372 **Sec. 33.2-8. - Exemptions.**

373  
374 . . . .

375  
376 **(b)** All exempted activities must meet the RPA buffer requirements of *Chapter 9, Article*  
377 *2*~~chapter 17.3, article X~~ of the City Zoning Ordinance, if applicable, and all erosion and sediment  
378 control provisions of chapter 13.1.

379  
380 . . . .

### 381 382 **Sec. 33.2-17. - Structure encroachment permit.**

383  
384 **(a)** No building permit, zoning certificate, or land-disturbing permit shall be issued for a structure  
385 or an impervious improvement within the resource protection area (RPA) buffer or intensely  
386 developed area (IDA) until a structure encroachment permit has been issued. All funds collected  
387 pursuant to this section shall be placed into a special revenue account to be used solely as  
388 approved by the city manager for the creation, enhancement, or restoration of wetlands and/or  
389 vegetative buffers on public property within the Chesapeake Bay Preservation District. Failure to  
390 obtain a permit shall constitute a class 3 misdemeanor.

391  
392 . . . .

393  
394 **(d)** No permit shall be required for piers, pervious surfaces, or uses exempt pursuant to *Section*  
395 *9-16*~~sections 17.3-67.2 and 17.3-67.3~~ of the City's Zoning Ordinance.

396  
397 . . . .

## 398 399 **CHAPTER 34 – STREETS AND SIDEWALKS**

### 400 401 **ARTICLE I. – IN GENERAL**

402  
403 . . . .  
404

405 **Sec. 34-7. - Sales conducted on or adjacent to public right-of-way.**

406  
407 . . . .  
408

409 (f) Nothing in this section shall exempt any person conducting a sale or exchange of the type  
410 described herein from the requirements of the zoning ordinance or any other applicable  
411 provision of law.

412 **Cross reference**— Mobile food service facilities generally, § 15-136 et seq.; vehicles used for  
413 sale of ice cream, § 15-166 et seq.; ~~zoning ordinance, App. A;~~

414  
415  
416 . . . .  
417

418 **CHAPTER 35 – SUBDIVISIONS**

419  
420 **ARTICLE I. – IN GENERAL**

421  
422 . . . .  
423

424 **Sec. 35-2. - Application and scope of chapter; definitions.**

425 . . . .

426 (C) For purposes of this chapter, except as may otherwise be defined herein, the definitions set  
427 forth in *chapter 2* ~~section 2.4~~ of the City Zoning Ordinance shall control the meaning of any  
428 terms or phrases used herein.

429  
430 . . . .  
431

432 **Sec. 35-4. - Compliance with chapter; penalty for violation.**

433 . . . .

434 (D) Except as otherwise set forth in chapter ~~12~~ 24 of the Zoning Ordinance, no building permit  
435 or certificate of occupancy shall be issued for any parcel or plat of land which was created  
436 by subdivision that violates the requirements of this chapter, and no excavation of land or  
437 construction of any public or private improvements shall be commenced, except in  
438 conformity with the requirements of this chapter.

439 . . . .  
440

441 **ARTICLE II. - PRELIMINARY PLAT—PROCEDURES**

442  
443 . . . .

444 **Sec. 35-23. - Contents.**

445 (B) The preliminary plat of the subdivision shall show the proposed layout of streets, lots, areas  
446 to be encumbered by stormwater management facilities as required by chapter 33.2 of the

447 City Code, and other features in relation to existing topography. The preliminary plat shall  
448 have a horizontal scale of not less than one hundred (100) feet to the inch and clearly show  
449 the following:

450 (12) Where floodplains lie within a subdivision, the preliminary plat shall delineate the  
451 boundaries of all floodways, flood fringes, approximated floodplains, and coastal high  
452 hazard areas. Flood elevations for any land located within a special flood hazard area  
453 in accordance with the provisions of section ~~9-31 17.3-31 et seq. of article V~~ of the  
454 Zoning Ordinance and the city flood insurance rate map (FIRM).

455 . . . .

456 (C) The preliminary plat of a subdivision within ~~O-CBP SPI-CBPD~~, shall comply with all  
457 applicable provisions of chapter ~~9 17.3~~, article ~~2 X~~ of the Zoning Ordinance and shall  
458 include an environmental site assessment and stormwater management plan as an  
459 addendum to the plat or shown on the subdivision plat. The subdivision plat shall also  
460 contain a notation thereon to state that land use and development activities or clearing of  
461 vegetation within the RPA, the RMA and any IDA are regulated pursuant to chapter ~~9 17.3~~,  
462 article ~~2 X~~ of the Zoning Ordinance, and that city confirmation of a site specific CBPD  
463 delineation is required prior to the issuance of land use or development permits.  
464 Additionally, the subdivision plat shall contain reference to any RPA buffer or IDA  
465 encroachment or exception to the ~~O-CBP SPI-CBPD~~ regulations for development and  
466 redevelopment authorized by the City of Hampton.

467 . . . .

468 . . . .

469 . . . .

470 **ARTICLE IV. - DESIGN STANDARDS AND IMPROVEMENTS GENERALLY**

471 . . . .

472 . . . .

473 **Sec. 35-68. - Subdivision of land subject to flooding.**

474 No lot, tract or parcel of land, or any part thereof, subject to flooding shall be divided or  
475 subdivided for the use of buildings or structures erected or to be erected for dwelling or  
476 residential purposes on the portion of the land subject to flooding, unless corrected to the  
477 satisfaction of the director of public works and in accordance with ~~chapter 9 article 4~~ article V of  
478 the Zoning Ordinance. ~~section 17.3-31 through and including section 17.3-36.~~

479 . . . .

480 . . . .

481 **Sec. 35-86. - Development in the resource protection area; buffer area.**

482 There shall be no improvements or development allowed in the resource protection area  
483 except as permitted pursuant to chapter ~~9 17.3~~, article ~~2 X~~ of the Hampton City Zoning  
484 Ordinance.

485 . . . .

486 . . . .

487 **ARTICLE V. - DEVELOPMENT PLANS—REQUIREMENTS, PROCEDURES FOR**  
488 **PERMITTING AND PERFORMANCE ASSURANCES**

489 . . . .

490 **Sec. 35-103. - Contents.**

491 The development plans required by this article shall be legible as determined by the director  
492 of public works and shall contain:

493 . . . .

494 (l) For development on property zoned *Buckroe Bayfront District* SPI-BBD, an  
495 environmental site assessment must be submitted in accordance with chapter 9 17.3,  
496 article 2 X of the Zoning Ordinance. An environmental site assessment submitted with  
497 the subdivision plat shall constitute compliance with this provision.

498 . . . .

499

500 **CHAPTER 35.1 – SITE PLANS**

501 **ARTICLE I. - IN GENERAL**

502 . . . .

503 **Sec. 35.1-2. - Application and scope of chapter; definitions.**

504 . . . .

505 (B) Except as may otherwise be defined herein or in other applicable provisions of the City  
506 Code and the City Zoning Ordinance, the definitions set forth in chapter 2 2-4 of the City  
507 Zoning Ordinance shall control the meaning of any terms or phrases used herein. The  
508 terms "owner" and "developer" are used interchangeably throughout this chapter and the  
509 provisions of this chapter are applicable to an owner or developer of a site.

510 . . . .

511 **Sec. 35.1-2.2. – Exemptions from site plan approval.**

512 . . . .

513 (B) The following additional types of development set forth in subsection (C) are exempt from  
514 the requirement for site plan approval provided that the following conditions are met:

515 . . . .

516 (4) The applicant submits a scaled two-dimensional plan or drawing and physical property  
517 survey as set forth in chapter 1 25 of the zoning ordinance, which governs issuance of  
518 building permits.

519 . . . .

520

521 **Sec. 35.1-4. - Compliance with chapter; stop work orders; penalty for violation.**

522 (A) Except as otherwise set forth in chapter 12 24 of the Zoning Ordinance, no building permit  
523 or certificate of occupancy shall be issued for any parcel of land that fails to comply with the  
524 requirements of this chapter, and no excavation of land or construction of any public or  
525 private improvements shall be commenced, except in conformity with the requirements of  
526 this chapter.

527 . . . .

528

529 **Sec. 35.1-10. - Compliance with other ordinances.**

530 (A) In addition to the requirements set forth in this chapter, site plans shall comply with the  
531 provisions of all city ordinances and the Zoning Ordinance and specifically, chapters 13.1,  
532 33.2, and 41.1 of the City Code, and chapter ~~9~~ 17.3, articles ~~4~~ ~~2~~ and ~~2~~ X of the City Zoning  
533 Ordinance unless exempted thereunder. The owner will be required to submit any  
534 additional plans, delineations, calculations, declaration of covenants and place required  
535 notations on the site plan as required by the City Code or the City Zoning Ordinance.

536 . . . .

537

538 **ARTICLE II. - SITE PLAN REVIEW PROCEDURES**

539 . . . .

540

541 **Sec. 35.1-22. - Contents of a site plan.**

542 (A) A site plan shall comply with the standards of Code of Virginia § 42.1-82, 17VAC15-60-10  
543 through 17VAC15-60-70 and the minimum standards and procedures for surveys  
544 determining topography as set forth in the Virginia Department of Professional and  
545 Occupational Regulation APELSCIDLA Board regulation 18VAC10-20-382, the "City of  
546 Hampton Landscape Guidelines", and the latest edition of the public works design and  
547 construction standards, and shall include a vicinity sketch, at a scale of one (1) inch to eight  
548 hundred (800) feet, which shall show the area for the proposed development and all streets  
549 and water bodies that exist within the area of the vicinity sketch, date, scale and north  
550 arrow. A site plan shall show the total land area of the site, the area to be developed,  
551 approximate land area of separate parcels of land, areas to be encumbered by stormwater  
552 management facilities, and other features in relation to existing topography, including any  
553 existing impervious areas in any RPA, RMA or IDA. The site plan shall have a horizontal  
554 scale of not less than one hundred (100) feet to the inch and clearly show the following, and  
555 where applicable show the location, dimension and size of the following when existing or  
556 proposed by the owner or developer:

557 . . . .

558 (9) Natural and artificial water courses and limits of floodplains, including a delineation of  
559 the boundaries of all floodways, flood fringes, approximated floodplains, and coastal  
560 high hazard areas. Flood elevations for any land located within a special flood hazard  
561 area in accordance with the provisions of section ~~9-31~~ 17.3-31 et seq. of article ~~V~~ of the  
562 Zoning Ordinance and the city flood insurance rate map (FIRM).

563 . . . .

564 (D) A site plan for development within ~~O-CBP SPI-CBPD~~ shall contain a notation thereon to  
565 state that land use and development activities including land disturbing activities or clearing  
566 of vegetation within the RPA, RMA and any IDA are regulated pursuant to chapter ~~9~~ 17.3,  
567 article ~~2~~ X of the Zoning Ordinance. Additionally, the site plan shall contain reference to any  
568 RPA buffer or IDA encroachment or exception to the ~~O-CBP SPI-CBPD~~ regulations for  
569 development and redevelopment authorized by the City of Hampton.

570 . . . .

571 **ARTICLE III. - WORK AND DEVELOPMENT PURSUANT TO APPROVED PLAN**

572 **Sec. 35.1-41. - General requirements.**

573 . . . .

574 (C) On properties zoned ~~O-CBP~~ ~~SPI-CBPD~~, areas shown on the site plan as undisturbed, or as  
575 a buffer proffered as part of a conditional rezoning or required for a use permit, or as part of  
576 a resource protection area, shall be protected from disturbance as required by chapters  
577 13.1 and 33.2 of the City Code, chapter ~~9~~ ~~17.3~~, article ~~2~~ ~~X~~ of the City Zoning Ordinance or  
578 in accordance with the "City of Hampton Landscape Guidelines" on file with the department  
579 of community development, development services center, as applicable.

580 . . . .

581

582 **Sec. 35.1-42. - Development of land subject to flooding.**

583 No lot, tract or parcel of land, or any part thereof, in a floodplain or flood prone area, shall  
584 be developed for the use of buildings or structures erected or to be erected for dwelling or  
585 residential purposes on the portion of the land within the floodplain or flood prone area, unless  
586 corrected to the satisfaction of the director of public works and in accordance with chapter ~~9~~  
587 ~~17.3~~, article ~~4~~ ~~V~~ of the Zoning Ordinance. ~~section 17.3-31 through and including section 17.3-~~  
588 ~~36.~~

589 . . . .

590 **Sec. 35.1-48. - Development in the resource protection area; buffer area.**

591 There shall be no improvements or development allowed in the resource protection area  
592 except as permitted pursuant to chapter ~~9~~ ~~17.3~~, article ~~2~~ ~~X~~ of the Zoning Ordinance.

593

594 . . . .

595

596 **CHAPTER 36 – SWIMMING POOLS**

597

598 **Sec. 36-9. - Fencing.**

599

600 . . . .

601

602 **Cross reference**— Building code, § 9-26 et seq.; ~~zoning ordinance, App. A.~~

603

604 . . . .

605

606

607

608



City of Hampton, VA

Agenda Review

File Number: 15-0089

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **15-0089**

Request Number: **R-2015-00069**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **3/25/2015**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

---

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **to consider nominations to the Virginia Municipal League 2015 Policy Committees**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Memo from VML  
VML Process  
VML Nomination Form

---

Date	Acting Body	Action
3/17/2015		Received By Clerk's Office

---

**BRIEF BACKGROUND STATEMENT:**

At the present time, the following members of the City Council are serving on the various policy committees of the Virginia Municipal League (VML):

Billy Hobbs - Community and Economic Development

Unfilled - Environmental Quality

Chris Snead - Finance

Linda Curtis - General Laws

Donnie Tuck - Human Development and Education

Will Moffett - Transportation.

Nominations for the 2015 committees are due by April 17. Council is being asked to consider and name the 2015 nominees.



City of Hampton, VA

Agenda Review

File Number: 15-0110

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

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File Number: **15-0110**

Request Number: **R-2015-00092**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **3/25/2015**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

---

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **to consider appointments to the 1619 Commission.**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **10 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

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Date	Acting Body	Action
3/19/2015		Received By Clerk's Office

---

**BRIEF BACKGROUND STATEMENT:**

Council will discuss, and possibly appoint, additional citizens to this entity.